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**STAFF REPORT**  
**COLLIER COUNTY PLANNING COMMISSION**

**TO:** COLLIER COUNTY PLANNING COMMISSION

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

**HEARING DATE:** October 19, 2009

**RE:** PETITION CP-2007-2, IMMOKALEE ROAD/OIL WELL ROAD  
COMMERCIAL SUBDISTRICT GROWTH MANAGEMENT PLAN  
AMENDMENT (*TRANSMITTAL HEARING*)  
Coordinator: Carolina Valera, Principal Planner

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**AGENT/APPLICANT:**

**Agents:**

Mr. Wayne Arnold  
Q. Grady Minor & Associates, P.A.  
3800 Via del Rey  
Bonita Springs, FL 34134

Richard Yovanovich  
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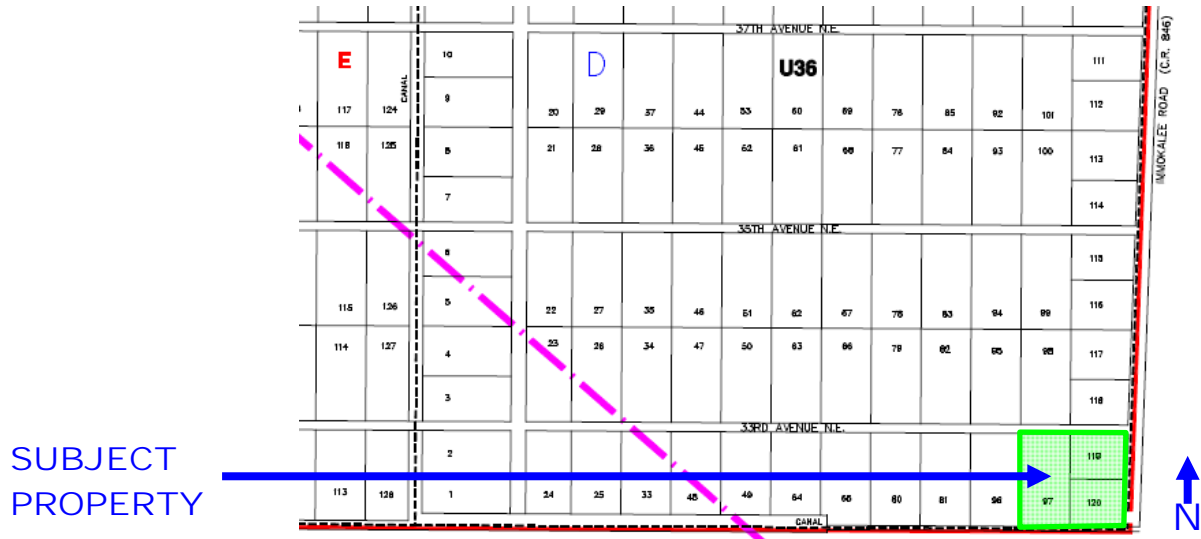
Rae Ann Boylan  
Boylan Environmental Consultants, Inc.  
11000 Metro Parkway, Suite 4  
Fort Myers, FL 33966

**Applicant/Owner:**

Thomas E. and Patricia A. Sams  
764 Grand Rapids Boulevard  
Naples, FL 34120

**GEOGRAPHIC LOCATION:**

The subject property, containing  $\pm 10.28$  acres, is located at the southwest corner of the intersection of 33<sup>rd</sup> Avenue NE and Immokalee Road (C.R. 846), opposite Oil Well Road (C.R. 858), in Section 15, Township 48 South, Range 27 East, and is located within the Rural Estates Planning Community (see zoning map and aerial on page 2.)



ZONING MAP EXCERPT



AERIAL

**REQUESTED ACTION:**

The subject property is designated Estates, Estates-Mixed Use District, Residential Estates Subdistrict, on the Golden Gate Area Future Land Use Map of the Golden Gate Area Master Plan (GGAMP) Element of the Collier County Growth Management Plan (GMP). This petition seeks to establish the Immokalee Road/Oil Well Road Commercial Subdistrict by amending the GGAMP Element and the Golden Gate Area Future Land Use Map and map series to re-designate the subject ±10.28 acres of land to the Estates-Commercial District, Immokalee Road/Oil Well Road Commercial Subdistrict designation. The proposed text changes, shown in strike-through/underline format, are as follows (Words underlined are added, words ~~struck through~~ are deleted; row of asterisks [\*\*\*] denotes break in text.)

**GOLDEN GATE AREA MASTER PLAN**

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**Policy 1.1.2**

The ESTATES Future Land Use Designation shall include Future Land Use Districts and Subdistricts for:

\* \* \* \* \*

**B. ESTATES - COMMERCIAL DISTRICT**

- 1. Interchange Activity Center Subdistrict
- 2. Pine Ridge Road Mixed Use Subdistrict
- 3. Randall Boulevard Commercial Subdistrict
- 4. Commercial Western Estates Infill Subdistrict
- 5. Golden Gate Estates Commercial Infill Subdistrict
- 6. Immokalee Road/Oil Well Road Commercial Subdistrict

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**B. Estates – Commercial District**

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**Immokalee Road/Oil Well Road Commercial Subdistrict**

The Immokalee Road/Oil Well Road Commercial Subdistrict is located northwest of the intersection of Immokalee Road and Oil Well Road. The subdistrict is approximately 10.28 ± acres and consists of all of Tract 97, and Tracts 119 and 120, less right-of-way, Golden Gate Estates, Unit Number 36. The subdistrict allows commercial uses that will serve the needs of residents in the immediate and surrounding area. The following criteria will regulate development within the subdistrict:

- 1. A rezone of the property shall be encouraged in the form of a Planned Unit Development.
- 2. Allowed uses shall be those permitted and conditional uses in C-1, C-2 and C-3 zoning districts, including but not limited to financial institutions, pharmacies, medical office uses and hardware stores greater than 5,000 square feet. Alternatively, the site may be developed with Single Family dwellings or conditional uses, as allowed in the existing E – Estates zoning of the properties in the Subdistrict.

3. A maximum of 70,000 square feet of gross leasable floor area will be allowed. This limitation does not apply if the Subdistrict is developed under the existing E – Estates zoning.
4. Drive-through establishments shall be limited to financial institutions with no more than three lanes and pharmacies with no more than two lanes. The drive-through areas shall be architecturally integrated with the rest of the building.
5. If developed for commercial use, or conditional use allowed under the E – Estates zoning district, a 75-foot wide buffer of retained native vegetation shall be provided along the western boundary of the subdistrict to provide separation between these uses and Estates residential uses. No parking, water management, or accessory structures will be allowed in the buffer area. This buffer requirement only applies if the Subdistrict is developed with uses allowed in the C-1, C-2 or C-3 zoning districts, or with conditional uses allowed under the E – Estates zoning district.
6. Ingress and egress points may be located on either Immokalee Road or 33<sup>rd</sup> Avenue NE.

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**FUTURE LAND USE MAP SERIES**

Golden Gate Area Master Plan Study Areas  
Golden Gate Area Future Land Use Map

\* \* \* \* \*

Golden Gate Parkway Institutional Subdistrict  
Immokalee Road/Oil Well Road Commercial Subdistrict

**PROJECT DESCRIPTION:**

The petitioners are requesting approval for a new commercial subdistrict, consisting of up to 70,000 square feet of uses allowed in the C-1, C-2, and C-3 commercial zoning districts on ±10.28 acres.

**SURROUNDING LAND USE, ZONING AND FUTURE LAND USE DESIGNATION:**

**Subject Site:**

The project site is presently undeveloped, heavily wooded, relatively flat, and has frontage to 33rd Street along the north of the property (about ±690 feet), and Immokalee Road (C.R. 846) along the east of the project site (about ±660 feet). The southeast corner of the property is located about 37 feet south of, and opposite, the intersection of Immokalee Road (C.R. 846) and Oil Well Road (C.R. 858).

The subject property is zoned Estates (E). In accordance with the Land Development Code (LDC), the “E” zoning district is intended to allow development of low density residential development in a semi-rural environment, with limited agricultural activities.

The subject property is designated Estates, Estates Mixed Use District, Residential Estates Subdistrict, on the Future Land Use Map. This designation is characterized by low density semi-rural residential lots with limited opportunity for other land uses. The typical lot within this designation is about 2.5 acres in size and density is limited to one unit per 2.25 gross acres, or one unit per legal non-conforming lot of record, exclusive of guesthouses. Multiple family dwelling units, duplexes, and other structures containing two or more principal dwellings, are prohibited in all Districts and Subdistricts within the Estates Designation.

Generally, the Estates designated area also accommodates future non-residential uses, including essential services per the LDC; parks, open space and recreational uses; group housing; schools and school facilities. The GGAMP element contains specific criteria and conditions for the conditional uses. The subject site does not qualify for Estates zoning district conditional uses.

**Surrounding Lands:**

**North:** 33<sup>rd</sup> Street, then five parcels zoned Estates (from west to east): one parcel occupied with a single family dwelling, then three undeveloped parcels, and then a parcel that abuts Immokalee Road (C.R. 846), owned by Collier County Government, and which is presently utilized as a water retention area. All of these parcels are designated Estates, Estates Mixed Use District, Residential Estates Subdistrict, on the Future Land Use Map.

**South:** A parcel of land zoned Estates developed with a single family dwelling, and designated Estates, Estates Mixed Use District, Residential Estates Subdistrict, on the Future Land Use Map.

**East:** Immokalee Road (C.R. 846), then (from north to south): a portion of the Orangetree MPUD, zoned R2 (residential), and developed with single family dwellings; and then a portion of the Orangetree MPUD, zoned CN (commercial), developed partly with an automobile gas station and convenience store. Most of the CN tract is currently undeveloped and cleared of vegetation. All these parcels are designated Agricultural/Rural – Settlement Area District, on the Future Land Use Map.

**West:** Undeveloped parcel, zoned Estates and designated Estates, Estates Mixed Use District, Residential Estates Subdistrict, on the Future Land Use Map.

As the aerial on page 2 shows, most of the lands that surround the subject site are developed with single family dwellings, except for that portion of land directly across Immokalee Road (C.R. 846), south-east of the subject property, which is zoned to allow commercial development in the Orangetree MPUD.

**History of Ownership of the Subject Tract of Land.**

The County Property Appraiser's records and the application for this amendment to the GGAMP both show that the current owners caused the recordation of deeds in their names for the subject property in February and September, 1986 for tracts 119 and 120 (the portion of the property that abuts Immokalee Road) and in July, 2008 for tract 97.

The initial GMP amendment submittal to the County was proposed to re-designate only parcels 119 and 120, or that portion of the property that abuts Immokalee Road. The submittal was subsequently amended in September of 2008 to include parcel 97, which is about half of the proposed GMP amendment's project site. The applicant asserts that the additional 5 acres of land was added to allow the inclusion of a 75-foot vegetative buffer along the west side of the property as a criteria requirement of the proposed commercial subdistrict in order to be consistent with other existing commercial subdistricts in the Estates designated area of the County.

**STAFF ANALYSIS:**

Please refer to the document titled "Standard Language for GMPA Staff Reports" located behind the "GMPA Standard Language" tab. This document addresses some items common to all

petitions in this cycle – statutory data and analysis, the GMP vision, and HB 697 – and one item common to the six petitions seeking amendments to the GGAMP.

### **2008 Legislation - HB 697**

This legislation, which pertains to energy conservation and efficiency, went into effect on July 1, 2008. DCA (Florida Department of Community Affairs) will be reviewing GMP amendments for compliance with this legislation.

Staff has reviewed this petition for adequacy of data and analysis to demonstrate how it discourages urban sprawl and reduces greenhouse gas emissions. The petitioner failed to address this statutory requirement. Staff anticipates the Florida Department of Community Affairs (DCA) will raise an objection in the Objections, Recommendations, and Comments (ORC) Report should this petition be approved for transmittal to DCA.

### **Environmental Impacts:**

The environmental report prepared by Boylan Environmental Consultants and submitted with this petition, dated March 30, 2009, indicates the following:

- The project site includes a roadside ditch; spoil areas with exotics; and native habitats of pine flatwoods and cypress wetland with varying degrees of exotics. The hydric soils of Malabar fine sand; and Boca, Riviera, limestone substratum and Copeland fine sands, depressional were found on site.
- The listed species survey conducted on site concluded that there were no listed species found utilizing the site, and there were no signs of any listed species. Non-listed species observed include several song birds, and signs of white tailed deer and raccoons were visible.

Environmental Specialists with the Collier County Engineering and Environmental Services Department reviewed the application and provided the following comments:

1. No special environmental concerns are associated with the establishment of the Subdistrict on the subject site.
2. Staff has not verified the provided Florida Land Use Cover & Forms Classification System (FLUCCS) mapping and does not approve it with this petition. Staff will verify the FLUCCS as part of the re-zoning process.
3. Native vegetation preservation requirements will be specifically addressed during subsequent development order review (rezone and/or site development plan.) The preserve location will be subject to the ranking requirements of Conservation & Coastal Management Plan (CCME) Section 6.1.1(4).

**Conclusion.** In accordance with County staff and the Protected Species Survey submitted by Boylan Environmental Consultants, it appears that no listed species have been observed on the subject property. Additionally, a wetland area was identified. No additional environmental issues were noted by staff or the applicant's report.

### **Historical/Archeological Impact:**

Staff review of the historical/archeological probability map reveals that the site lies outside of an indicated area of historical/archeological probability. Also, the applicant has supplied a letter dated March 30, 2009 from Celeste Ivory, State of Florida Historic Preservation Officer, which states, "the Florida Master Site File lists no previously recorded cultural resources in the following parcel of Collier County: T48S, R27E, Section 15." The letter includes considerations for unrecorded archeological sites, historical structures or other resources, and the requirements for formal review contained under the Compliance Review Section of the Division of Historical Resources.



**Traffic Capacity/Traffic Circulation Analysis Impacts:**

Capital Improvement Element (CIE) Policy 1.2 sets forth that the County Commission shall not approve any rezone request or FLUE amendment that significantly impacts a deficient roadway segment. Policy 1.2, subsection B states:

“The Board of County Commissioners shall review all rezone petitions, SRA designation applications, conditional use petitions, and proposed amendments to the Future Land Use Element (FLUE), Golden Gate Area Master Plan (GGAMP) or Immokalee Area Master Plan (IAMP) affecting the overall countywide density or intensity of permissible development, with consideration of their impact on both the variable "D" in the formula  $Q = (S \times D) - I$ , and the overall County transportation system. The Board shall not approve any such petition or application which would directly access a deficient roadway segment or if it impacts an adjacent roadway segment that is deficient, or which significantly impacts either: (1) a deficient roadway segment or adjacent roadway segment; or (2) the seasonal population based upon the Bureau of Economic and Business Research at the University of Florida (BEBR) medium range growth rate population projections, for all public facilities, for the variable “D”, unless one of the three items listed below simultaneously occurs:

- (a) Specific mitigating stipulations are approved in conjunction with the rezone or SRA designation resolution, conditional use petition, or FLUE amendment, to restore or maintain the Level of Service on the impacted roadway segment;
- (b) The adopted population standard used for calculation of “Q” in the formula  $Q = (S \times D) - I$  is amended based on appropriate data and analysis;
- (c) The Schedule of Capital Improvements is updated to include any necessary projects that would support the additional public facility demand(s) created by the rezone, SRA designation resolution, conditional use petition, or amendment to the Future Land Use Element.”

The Traffic Impact Study (TIS) prepared by Q. Grady Minor, P.A., asserts that the impact of the project traffic volume on the roadway network surrounding the project is not detrimental and that the traffic volume does not degrade the level of service of any of the roadway links within the project's radius of development influence below acceptable standards. This assertion is based on a 5-year window period and a 2 percent compound growth rate. The study notes that traffic volume is less than 2 percent. The TIS also notes that an access to the project is proposed on 33<sup>rd</sup> Street, which is to be accessed from the existing southbound right lane on Immokalee Road (C.R. 846) onto 33<sup>rd</sup> Street. A second access to the project is proposed directly onto Immokalee Road (C.R. 846), which is to be accessed by traffic entering the project from the south by the existing northbound left turn lane located at the intersection of Immokalee Road (C.R. 846) and Oil Well Road (C.R. 858).

Collier County Transportation Planning staff has reviewed this project and their assessment is as follows (references are to the petitioner's TIS):

1. As stated during the sufficiency review, no connection to Immokalee Road will be granted. Please revise the traffic analysis to focus on a project entrance on 33<sup>rd</sup>.
2. Page 4, Section 5.0 - Show why the minimum 2% growth rate has been used. Needs justification, or use the actual growth rate if it's higher.
3. Page 4, Section 5.0 (paragraph 2) - Use the current service volume shown for the section of Immokalee Road north of Oil Well Road. The preparer may not inflate the adopted service volume. Revisions to table 6 will be needed as well.
4. Figure 2 - Drop-off percentage into Estates area south of the site is inordinately high. Only 4th Street NE exists in this location.

5. Section 7.4 - The methodology used for determining the volume of the adjacent street traffic is not allowable methodology. The applicant may not use a calculated traffic projection as a basis for a pass-by reduction. Also, please use the roadway segment that fronts the site (Immokalee from Oil Well to SR-29). The applicant may not use background volumes from nearby segments, only adjacent segments. Use of nearby segments begins to look at diverted trips instead of pass-by.
6. Table 7.6 - The direction of the 'Add. Trips' is not shown. Please show both directions of trips. Show the percentage impact of each direction.
7. Please confirm that the trip generation rate for LUC 820 is inclusive of the highest potential trip generator that will be allowed by this amendment. Gas stations and convenience stores offer a significantly higher trip generation rate than LUC 820, if allowed. Other examples of higher trip generators may be present; please include it in the response.

**Conclusion.** Consistency with Policy 5.1 of the Transportation Element of the GMP of the proposed additional 70,000 square feet of commercial development cannot be determined as the data and analysis contained in the TIS is in some cases skewed (as is the case of the service volume data shown in Table 6 for Immokalee Road), erroneous in others (as is the case of the methodology used for determining the traffic volume of surrounding streets to the project), or absent in some of the calculations (as is the case of data to demonstrate "add trips" impact of the project on road segments and LOS.) Furthermore, in accordance with Transportation staff, a direct access to the project at the intersection of Immokalee Road (C.R. 846) and Oil Well Road (C.R. 858) requires the addition of a signal phase (at a minimum) to the recently improved intersection, which adds delay at the signal and can potentially cause the intersection to fail. Additionally, the County may need to purchase land in order to accommodate the direct access of the project onto Immokalee Road (C.R. 846). All these improvements are not contemplated within the County's 2009 AUIR, and are not part of the existing County's CIE.

**Public Facilities Impacts:**

The subject property is within the Orangetree Utility Company, Inc. service area, a private utility that is outside the Collier County's Water and Sewer District urban boundary. The petitioner states that if adequate capacity is not available in regard to potable water and sanitary sewer at the time of development, then on-site facilities may be provided to serve the needs of the project. Additionally, the project is designed to comply with the 25 year, 3-day day storm routing requirements for drainage impact. Also, no adverse impacts to the existing solid waste facilities, parks, schools, fire control, and Emergency Medical Services are anticipated with the proposed project.

Collier County Public Utilities staff has reviewed this project and provided the following comments:

According to the current 2008 Water and Wastewater Master Plan Updates, this project is not located within the Collier County Water - Sewer District (CCWSD) Service Area and is not part of any other existing Utilities District.

By 2012, the CCWSD will include the Orangetree Area. Per the 2008 Water and Wastewater Master Plan Updates, Orangetree will become part of the CCWSD in 2012 and potential water and sewer demands from this area are included in these Master Plan Updates. There are an existing 36-inch water main and an existing 16-inch force main on Immokalee Road. The water and sewer pipelines will be used for the future North East Regional Water and Wastewater Treatment Plants. Water and sewer services are not currently available. These pipelines will be activated when the North East Plant is ready. Per the current AUIR, the North East Plant project is projected to be constructed and in service by 2018. Collier County Public Utilities does



not guarantee a time frame for construction of its capital projects. If adequate capacity is not available, on-site facilities may be provided to serve the needs of the development as stated in the Public Facilities Level of Service Analysis in this application.

### **Petitions in Vicinity**

It should be noted there are five petitions for sites located east of Collier Boulevard and in Golden Gate Estates, inclusive of the subject petition. Four petitions are for commercial uses; one petition request is for mostly institutional uses, but includes a small commercial allocation. The **attached** location map (Pending GMPAs Locations East of CR 951) identifies these five petition sites, what each request consists of, and commercial opportunities in the surrounding area. The table below also provides information about these five petitions seeking amendment to the Golden Gate Area Master Plan. The attached map (Pending GMPAs Commercial Market Area) depicts the overlapping market areas of these petitions.

Petition	Location	# Acres	Request
CP-2007-1	SE corner CR846/Wilson Blvd.	5.17	Create Wilson Blvd. Commercial Subdistrict to allow max. of 40,000 S.F. of com'l uses
<b>CP-2007-2</b>	<b>SW corner of CR846/33rd Ave. NE</b>	<b>10.28</b>	<b>Create Immokalee Road/Oil Well Road Commercial Subdistrict to allow max. of 70,000 S.F. of C-1 thru C-3 com'l uses</b>
CP-2007-3	south side of CR858, 1/4 mile west of Everglades Blvd.	21.72	Create Mission Subdistrict to allow institutional uses (church and related uses, e.g. child & adult day care), and limited C-1 com'l uses (90,000 s.f. total, inclusive of 2,500 s.f. of com'l)
CP-2008-1	NW quadrant of Wilson & Golden Gate Blvds.	40.62	Create new Estates Shopping Center Subdistrict to allow 225,000 s.f. of com'l uses, with requirement to provide a grocery store [portion of site (4.98 acs.) lies within existing Neighborhood Center and could yield 30,099 s.f. of com'l]
CP-2008-2	south side of CR846 & Randall Blvd., from canal east to 8th Street NE (inclusive of BCI Fire Station, existing Randall Blvd. Com'l Subdistrict, and DOF fire tower site).	56.50	Expand and modify Randall Blvd Commercial Subdistrict to add 390,950 s.f. of limited C-4 & C-5 com'l uses [zoning in existing Subdistrict allows 41,000 s.f. of com'l on 7.53 acs.]
sum		134.29 [121.78 acres are new]	769,450 s.f. of com'l [728,450 s.f. is new]

### **Collier Interactive Growth Model:**

The East of County Road 951 Infrastructure and Services Horizon Study was a two phase planning effort to assess the County's ability to accommodate growth within the County east of Collier Boulevard (CR 951). Included in the second phase of the study was the development of a Collier County Interactive Growth Model (CIGM). The Board adopted the CIGM as a planning tool at its advertised public hearing on January 13, 2009. This model was developed to assist in projecting population and its spatial distribution over time to build-out in all areas lying east of CR 951. The interactive growth model is also utilized to approximate the timing and location of commercial and industrial centers, school facilities, parks and recreational facilities, fire stations, etc. The commercial sub-model is designed to project the demand for neighborhood, community and regional centers that include retail and other commercial uses. This sub-model helps to

spatially allocate the optimal locations for these centers required as a function of time and population, and as a result of disposable incomes of the population.

Guidelines for Commercial Development used in the CIGM:

- Number of Persons per Neighborhood Center: 13,110
- Number of Persons per Community Center: 34,464
- Number of Persons per Regional Center: 157,324
- Number of Acres per Neighborhood Center: 11
- Number of Acres per Community Center: 28
- Number of Acres per Regional Center: 100
- Square Feet Building Area per Neighborhood Center: 110,734 (8.45 SQFT per Capita)
- Square Feet Building Area per Community Center: 257,668 (7.48 SQFT per Capita)
- Square Feet Building Area per Regional Center: 1,000,000 (6.36 SQFT per Capita)

The above floor area figures are the average sizes of Neighborhood, Community and Regional Centers in existence (built) in Collier County. This means some Centers are larger, and some smaller, than these countywide averages; that is, there is a range in size of each type of Center. Each type of Center is classified based upon size as well as uses.

Based on the population thresholds used in the CIGM, staff has developed commercial analysis for petition CP-2007-2 as follows (see attached CIGM maps):

- Existing and Potential Commercial SQFT (see Map 1, attached)  
Within the petition's defined primary trade area (PTA), there are 23,350 SQFT of *existing* commercial development and 277,650 SQFT of *potential* commercial development (vacant land designated as commercial & vacant land zoned commercial). The total existing and potential commercial SQFT within the PTA is 301,000.
- Housing Units & Population (see Map 2, attached)  
Based on the CIGM, the total housing units and total population in the PTA are/will be: 2007 – 2,067 units and 5,970 persons; 2010 – 2,403 units and 6,952 persons; 2015 – 3,024 units and 8,735 persons; 2020 – 3,650 units and 10,516 persons; 2025 – 4,235 units and 12,171 persons; and, 2030 – 4,747 units and 13,604 persons.
- Square Footage Demand for a Community Center (see Map 3, attached)  
The total existing/projected population within the PTA translates into an existing/projected demand for commercial space within the PTA as follows: 2007 - 5,970 persons yields demand for 44,656 square feet of commercial (7.48 SQ FT per capita); 2010 – 6,952 persons yields demand for 52,001 SQ FT; 2015 – 8,735 persons yields demand for 65,338 SQ FT; 2020 – 10,516 persons yields demand for 78,660 SQ FT; 2025 – 12,171 persons yields demand for 91,039 SQ FT; and, 2030 – 13,604 persons yields demand for 101,758 SQ FT. The existing and potential commercial SQFT (Supply) within the PTA is 301,000 (for community and neighborhood commercial, combined); therefore, there will not be a need for a community center in this PTA, at a minimum, after the year 2030, since the commercial projected demand by that year is only about a third of the existing and potential square feet of commercial space. However, it is acknowledged that the subject site is more likely to develop with neighborhood commercial uses given the proposed square feet (70,000 square feet maximum).
- Square Footage Demand for a Neighborhood Center (see Map 4, attached)  
The total existing/projected population within the PTA translates into an existing/projected demand for commercial space within the PTA as follows: 2007 – 5,970

persons yields demand for 50,447 square feet of commercial (8.45 SQFT per capita); 2010 – 6,952 persons yields demand for 58,744 SQ FT; 2015 – 8,735 persons yields demand for 73,811 SQ FT; 2020 – 10,516 persons yields demand for 88,860 SQ FT; 2025 – 12,171 persons yields demand for 102,845 SQ FT; and, 2030 – 13,604 persons in 2030 translate to 114,954 square feet demand for commercial space. The existing and potential commercial SQFT (Supply) within the PTA is 301,000 (for community and neighborhood commercial, combined); therefore, there will not be a need for a neighborhood center in this PTA, at a minimum, after the year 2030, since the commercial projected demand by that year is more than half below the existing and potential square feet of commercial space.

**Conclusion.** The present supply of community and neighborhood commercial, combined, is 301,000 square feet, according to the CIGM. However, this is based solely on the total commercial acres/square feet without considering parcel sizes. Most of the inventory (supply) is comprised of parcels too small to accommodate community commercial uses; therefore, most of the supply is suitable for neighborhood commercial uses – the very type of commercial proposed by this petition. Even as far as 2030, the demand for combined commercial and neighborhood commercial is about 217,000 square feet versus the supply of 301,000 square feet. Staff concludes there is no demand for more neighborhood commercial in the vicinity of the subject site.

**Data Sources:**

The CIGM analysis for this petition utilized: (1) the 2007 commercial inventory prepared by the Collier County Comprehensive Planning Department; (2) present GMP designations that allow commercial zoning; (3) housing unit and population projections prepared by the CIGM consultant, which account for vacancy rates. There is a minor discrepancy between the CIGM population projections and those prepared by the Bureau of Economic and Business Research at the University of Florida.

**Appropriateness of Change:**

The proposed Immokalee Road/Oil Well Road Commercial Subdistrict is located on a major arterial road, but is mostly surrounded by land zoned for, and developed with, residential uses. The application document states that many changes have occurred in the area since the purchase of the property (1986 and 2008), which decreases the viability of the site to be developed with residential uses or other uses allowed in the GGAMP. However, the submitted data and analysis does not support the assertions in regard to increased traffic and urbanization in the area. It is also stated that there is a need for medical offices, urgent care facilities, veterinary offices or a pharmacy in the area. These assertions by the petitioner are not justified or supported by the data provided with this petition request. The petition request document lacks a market study with considerations such as dwelling units projections; population projections; persons per household and vacancy rates; and disposable income.

Although Conditional Uses are not allowed on the subject property per the GGAMP, residential development and family care facilities are presently allowed, as well as essential services and parks. The lots that comprise the subject site are not the typical urban-sized lots. The typical lot in the Estates designated area of the County is about ¼ of the subject property, or 2.5 acres. It appears that the ±10.28 subject property could accommodate the necessary buffering from noise and lighting from a perceived traffic increase, and that safety features could be included in order to shield the subject property from Immokalee Road. Therefore, the subjective statement that the subject site is no longer suitable for residential development, or with uses currently allowed in the GGAMP, is not justified with the provided data and analysis of this amendment petition.

The commercial demand analysis contained in the application document does not include an analysis of existing and projected population versus existing and projected commercial demand within the subject's market area, in this case a neighborhood center, and a radius of 2 miles. The petition document seemingly attempts to justify demand by including population outside the subject market area. Some data is provided in effort to support this request but it is accompanied with minimal analysis. Additionally, it is stated that the 2008 Commercial Inventory Database (obtained from the County) includes golf courses, tourist attractions, and conservations lands, as commercial property. Staff acknowledges this has occurred in some past years but was/is unaware such still occurs. Regardless, it is staff's opinion that the applicant should be expected to review the data and revise/correct it as necessary prior to submitting it as data intended to support the petition. The CIGM model does not include golf courses and other such uses as commercial properties.

As stated in the CIGM discussion, existing and potential commercial demand within the market area of the subject property does not warrant approval of the proposed GMP amendment. Furthermore, there is existing commercial property within the Orangetree MPUD, less the commercial development opposite (SE of) this site, and a pending petition to increase this to 332,000 square feet. Additionally, the granting of this amendment could have negative impacts upon the existing adjoining and nearby single family development to the north, west, and south of the subject property.

### **NEIGHBORHOOD INFORMATION MEETING (NIM) SYNOPSIS**

Synopsis provided by Carolina Valera.

A Neighborhood Information Meeting (NIM) was duly advertised, noticed and held on September 15, 2009 at 5:30 p.m. at the administrative facility of the Big Corkscrew Island Fire Control and Rescue District station. The meeting was attended by 8 residents in addition to Heidi Williams of Q. Grady Minor & Associates, P.A. as Owner Representative/Consultant to the applicant, and Carolina Valera, Principal Planner from Collier County Government. Mr. Sams (owner of subject site) and a person that identified himself as Mr. Sams personal representative, were also in attendance.

A brief presentation was made by Ms. Williams and Mrs. Valera explaining the GMP amendment application and process. It was stated that in order to be consistent with existing approved commercial subdistricts in the GGAMP, the proposed  $\pm 10.28$  acre subdistrict will include development standards such as a 75-foot buffer along the west side of the property and will only allow low intensity type uses including medical offices, financial institutions and home improvement stores. It was stated that the traffic study, which is part of the GMP amendment packet, shows that the additional proposed commercial square footage would not adversely impact the existing traffic capacity on Immokalee Road. Ms. Williams also shared with the audience some draft site plans that she noted will probably change along the amendment process and subsequent rezoning process in order to refine and/or include features. *Please note that these plans are not part of the GMP amendment application packets and were not reviewed by staff.* Ms. Williams stated that the plans were provided at this meeting so that the audience could have a visual representation of proposed features of the project, such as the 75-foot buffer along the west of the property, parking configuration, and vehicular access to the property from both Immokalee Road (along the east side of the property) and 33<sup>rd</sup> Street (along the north side of the property.)

Most of the comments from attendees (mainly from two members of the audience) included:

- Opposition to this or any additional commercial project in the Estates designated area. Reasons stated for this opposition included: the existing vacant commercial still available

for development; the potential for development of certain commercial uses such as liquor stores and warehouses, since these uses are not compatible with the residential neighborhood; the desire to preserve the residential character of the area; and the potential additional traffic onto 33<sup>rd</sup> Street.

- Vegetative buffers are typically composed of small plants that require several years to reach the point that would allow an effective screening. Also, the proposed buffer width is not sufficiently wide to accomplish its screening purpose. Ms. Williams stated that the proposed vegetative buffer would be composed of retained native vegetation and that the width of the buffer was consistent with other existing commercial subdistricts in the Estates designated area.
- Opposition to a potential access from 33<sup>rd</sup> Street because such an option will increase traffic and will change the residential character of the area. Ms. Williams indicated that the proposed access from 33<sup>rd</sup> Street, as depicted in the plans that were presented to the audience at the NIM, is a requirement of the Transportation Planning staff, and that they will not allow access to the subject property from Immokalee Road, which is the petitioner's preferred option. Ms. Williams also added that Transportation staff has requested that the access on 33<sup>rd</sup> Street be located as distant as possible from Immokalee Road.

The NIM was originally scheduled for August 31, 2009, but was not duly noticed. Letters to surrounding property owners were mailed on time, but the required newspaper ad was published only 3 days before the public meeting. The required newspaper ad must be published, at a minimum, 5 days before the scheduled NIM. Because letters had already been mailed out and the ad had been [incorrectly] advertised, Ms. Williams informed County staff that she would be present at the location were the NIM was to take place. County staff was informed that 7 residents were in attendance in addition to Ms. Williams. The following is a synopsis provided by Ms. Williams to staff via e-mail:

*“Although the meeting was unofficial on Monday evening (8/31), I am passing along some of the comments shared with me about the proposed Subdistrict, as you requested. Approximately seven people attended the meeting. Two were in support and three were opposed, while the other two were concerned about noise. The owner of the gas station across Immokalee Road was in support of commercial, but not of another gas station. One resident felt it was important to have services and employment opportunities in the area and supported the project. The opposed residents were owners of property on 33rd Avenue NE. They did not want commercial in the neighborhood. The two gentlemen concerned about noise were residents of Waterways and their homes are across a lake that separates the community from Immokalee Road. Apparently the existing buffer is not very effective because they claim noise travels easily across the lake to their lanais. Despite the differences among participants, everyone seemed to think it made the most sense to access the site from the signal at Oil Well rather than by the local road. I explained this was also the applicant's request, but Transportation staff was not in support at this time. I let everyone know the “official” meeting was rescheduled for September 15<sup>th</sup>.”*

#### **FINDINGS AND CONCLUSIONS:**

- Consistency of the proposed additional 70,000 square feet of commercial development with Policy 5.1 of the Transportation Element of the GMP has not been demonstrated in the TIS submitted as part of this petition request.
- Transportation Planning staff does not support access on Immokalee Road, and access on 33<sup>rd</sup> Street may impact the residential character of the surrounding area. The Neighborhood Center Subdistrict of the GGAMP states that centers are designed to

concentrate all new commercial zoning in locations where transportation impacts can be readily accommodated. Though not specifically named as Neighborhood Center Subdistrict, this site will function as such; it allows the same uses and is of similar size. The proposed center, based upon the Transportation Division's concerns over access, would contradict the design criteria established within the GGAMP.

- The proposal could have negative impacts upon the existing adjoining and nearby single family development and may lead to other future similar requests from owners of other properties immediately adjoining the boundaries of the proposed subdistrict.
- The CIGM model projects that a neighborhood center is not warranted within the subject property's PTA, at a minimum, until after the year 2030.
- The petitioner's data and analysis does not fully justify the proposed re-designation.
- The habitat value of the site does not constrain approval of the requested re-designation.
- Development in this subdistrict would be subject to the lighting restrictions in Policy 5.1.1.
- The proposed Subdistrict uses are similar to those allowed in the GGAMP Neighborhood Centers, as are some development standards. Nonetheless, this GMP amendment is inconsistent with the GGAMP vision for commercial development in Golden Gate Estates.

#### **LEGAL CONSIDERATIONS:**

This staff report has been reviewed and approved by the Office of the County Attorney.

#### **STAFF RECOMMENDATION:**

Staff recommends that the Collier County Planning Commission forward Petition CP-2005-4 to the Board of County Commissioners with a recommendation not to transmit to the Florida Department of Community Affairs. However, **IF** the CCPC should choose to recommend transmittal, staff recommends the following revisions to the proposed subdistrict, mostly for proper format, use of code language, succinctness, and clarity. In addition, in as much as this petition proposes neighborhood commercial uses, staff recommends several text revisions and additions to reflect requirements and limitations of the Neighborhood Center Subdistrict in the GGAMP. (Note: single underline text is added, as proposed by petitioner; double underline text is added, and double ~~strike through~~ text is deleted, as proposed by staff.)

#### **6. Immokalee Road/Oil Well Road Commercial Subdistrict**

The Immokalee Road/Oil Well Road Commercial Subdistrict is located northwest of the intersection of Immokalee Road and Oil Well Road. ~~The This~~ ~~Subdistrict is~~ comprises approximately 10.28 ± acres and consists of all of Tract 97, and Tracts 119 and 120, less right-of-way, Golden Gate Estates, Unit Number 36. The purpose of this ~~Subdistrict is~~ to allow commercial uses that will serve the needs of residents in the immediate and surrounding area. ~~The following criteria will regulate~~ All development within this ~~the~~ ~~Subdistrict shall~~ comply with the following requirements and limitations:



- ~~1.a. A rezone of the property shall be encouraged in the form of a Planned Unit Development.~~
- ~~2.b. Allowed uses shall be those permitted and conditional uses in the C-1, C-2 and C-3 zoning districts as contained in the Collier County Land Development Code (LDC) (Ordinance No. 04-41, as amended), except as prohibited further below including but not limited to financial institutions, pharmacies, medical office uses and hardware stores greater than 5,000 square feet. Alternatively, the site may be developed with Single Family dwellings or conditional uses, as allowed in the existing E-Estates zoning of the properties in the Subdistrict.~~
- ~~3.c. A maximum of 70,000 square feet of gross leasable floor will be allowed. This limitation does not apply if the Subdistrict is developed under the existing E-Estates zoning.~~
- ~~4.d. Drive-through establishments shall be limited to financial institutions with no more than three lanes and pharmacies with no more than two lanes. The drive-through areas shall be architecturally integrated with the rest of the building.~~
- ~~5.e. If developed for commercial use, or conditional use allowed under the E-Estates zoning district, a 75-foot wide buffer of retained native vegetation shall be provided along the western boundary of the subdistrict to provide separation between these uses and Estates residential uses. No parking, water management, or accessory structures will be allowed in the buffer area. This buffer requirement only applies if the Subdistrict is developed with uses allowed in the C-1, C-2 or C-3 zoning districts, or with conditional uses allowed under the E-Estates zoning district.~~

Projects directly abutting residential property (property zoned E-Estates and without an approved conditional use) shall provide, at a minimum, a seventy-five (75) feet wide buffer in which no parking uses are permitted, except that this requirement shall not apply to that portion of the southern boundary adjacent to the excavation area to the south. Twenty-five (25) feet of the width of the buffer along the developed area shall be a landscape buffer. A minimum of fifty (50) feet of the buffer width shall consist of retained native vegetation and must be consistent with subsection 3.05.07H. of the LDC. The native vegetation retention area may consist of a perimeter berm and be used for water management detention. Any newly constructed berm shall be re-vegetated to meet subsection 3.05.07H. of the LDC (native vegetation replanting requirements). Additionally, in order to be considered for approval, use of the native vegetation retention area for water management purposes shall meet the following criteria:

1. There shall be no adverse impacts to the native vegetation being retained. The additional water directed to this area shall not increase the annual hydro-period unless it is proven that such would have no adverse impact to the existing vegetation.
  2. If the project requires permitting by the South Florida Water Management District, the project shall provide a letter or official document from the District indicating that the native vegetation within the retention area will not have to be removed to comply with water management requirements. If the District cannot or will not supply such a letter, then the native vegetation retention area shall not be used for water management.
  3. If the project is reviewed by Collier County, the County engineer shall provide evidence that no removal of native vegetation is necessary to facilitate the necessary storage of water in the water management area.
- ~~6.f. Ingress and egress points may be located on either Immokalee Road is prohibited or 33<sup>rd</sup> Avenue NE.~~

- g. Building heights shall be limited to one (1) story ~~two (2) stories~~ and a maximum of thirty-five (35) feet.
- h. All lighting shall be architecturally designed and limited to a height of twenty-five (25) feet. Such lighting shall be shielded from neighboring residential land uses.
- i. The project shall make provisions for shared parking arrangements with adjoining developments.
- j. Driveways and curb cuts shall be consolidated with adjoining developments, whenever possible.
- k. Projects shall provide a 25-foot wide landscape buffer abutting the external right-of-way. This buffer shall contain two staggered rows of trees that shall be spaced no more than 30 feet on center, and a double row hedge at least 24 inches in height at time of planting and attaining a minimum of three feet height within one year. A minimum of 50% of the 25-foot wide buffer area shall be comprised of a meandering bed of shrubs and ground covers other than grass. Existing native trees must be retained within this 25-foot wide buffer area to aid in achieving this buffer requirement; other existing native vegetation shall be retained, where possible, to aid in achieving this buffer requirement. Water retention/detention areas shall be allowed in this buffer area if left in natural state, and drainage conveyance through the buffer area shall be allowed if necessary to reach an external outfall.
- l. All buildings shall have tile roofs, 'Old Style Florida' metal roofs, or decorative parapet walls above the roofline. The buildings shall be finished in light, subdued colors, except for decorative trim.
- m. Pedestrian traffic shall be encouraged through placement of sidewalks, pedestrian walkways, and marked crosswalks within parking areas. Adjacent projects shall coordinate placement of sidewalks so that a continuous pathway is created.
- n. All buildings and projects shall utilize a common architectural theme. This theme shall be applicable to both building design and signage.
- o. No building footprint shall exceed 5,000 square feet, unless the project is submitted in the form of a PUD. Walkways or courtyards shall connect adjacent buildings.
- p. Fences or walls may be constructed on the commercial side of the required landscape buffer between adjacent commercial and residential uses. If constructed, such fences or walls shall not exceed five (5) feet in height. Walls shall be constructed of brick or stone. Fences shall be of wood or concrete post or rail types, and shall be of open design (not covered by slats, boards or wire).
- q. If the project is submitted as a PUD, it shall provide a functional public open-space component. Such public open-space shall be developed as green space within a pedestrian-accessible courtyard, as per Section 4.06.03B.3. of the LDC, as in effect at the time of PUD approval.
- r. The following principal permitted uses are prohibited:
  - 1. Drinking Places (5813) and Liquor Stores (5921)
  - 2. Mail Order Houses (5961)
  - 3. Merchandizing Machine Operators (5962)
  - 4. Power Laundries (7211)
  - 5. Crematories (7261) (Does not include non-crematory Funeral Parlors)
  - 6. Radio, TV Representatives (7313) and Direct Mail Advertising Services (7331)
  - 7. NEC Recreational Shooting Ranges, Waterslides, etc. (7999)
  - 8. General Hospitals (8062), Psychiatric Hospitals (8063), and Specialty Hospitals (8069)
  - 9. Elementary and Secondary Schools (8211), Colleges (8221), Junior Colleges (8222)
  - 10. Libraries (8231)
  - 11. Correctional Institutions (9223)
  - 12. Waste Management (9511)

13. Homeless Shelters and Soup Kitchens.

In the alternate to the foregoing uses, measures of development intensity, and development standards, this Subdistrict may be developed with single family dwellings at a density of one dwelling unit per 2.25 acres.

**PREPARED BY:**

  
\_\_\_\_\_  
CAROLINA VALERA, PRINCIPAL PLANNER  
COMPREHENSIVE PLANNING DEPARTMENT

DATE: 9.28.09

**REVIEWED BY:**

  
\_\_\_\_\_  
DAVID WEEKS, AICP, PLANNING MANAGER  
COMPREHENSIVE PLANNING DEPARTMENT

DATE: 9/28/09

**REVIEWED BY:**

  
\_\_\_\_\_  
RANDY COHEN, AICP, DIRECTOR  
COMPREHENSIVE PLANNING DEPARTMENT

DATE: 9-28-09

**APPROVED BY:**

  
\_\_\_\_\_  
JOSEPH K. SCHMITT, ADMINISTRATOR  
COMMUNITY DEVELOPMENT &  
ENVIRONMENTAL SERVICES DIVISION

DATE: 9/28/09

PETITION NO.: CP-2007-2

Staff Report for the October 19, 2009 CCPC Meeting.

NOTE: This petition has been scheduled for the January 19, 2010 BCC Meeting.

**COLLIER COUNTY PLANNING COMMISSION:**

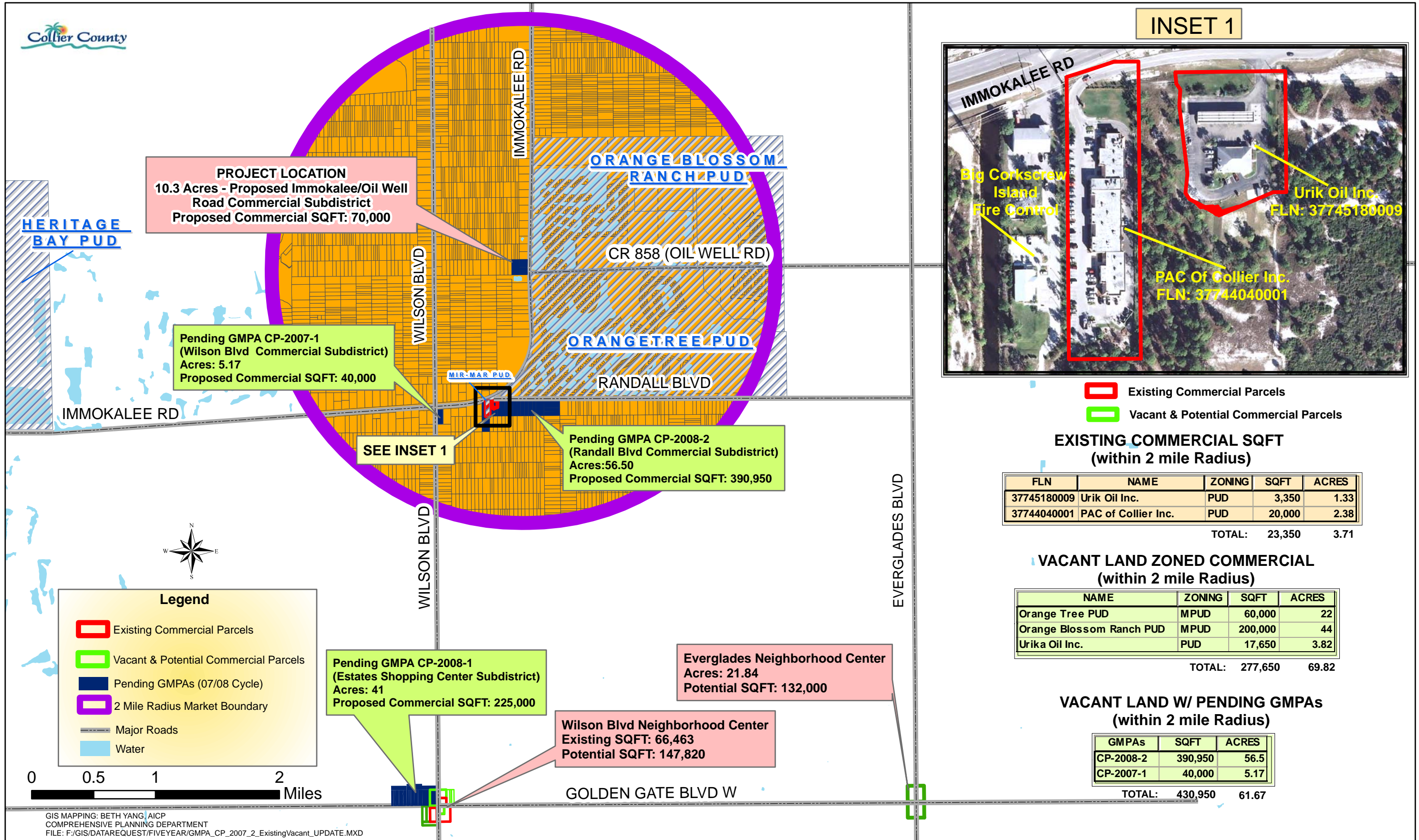
\_\_\_\_\_  
MARK STRAIN, CHAIRMAN

DATE: \_\_\_\_\_



COMMERCIAL ANALYSIS FOR GMPA CP-2007-2  
 USING INTERACTIVE GROWTH MODEL  
 (EXISTING & POTENTIAL COMMERCIAL SQFT)

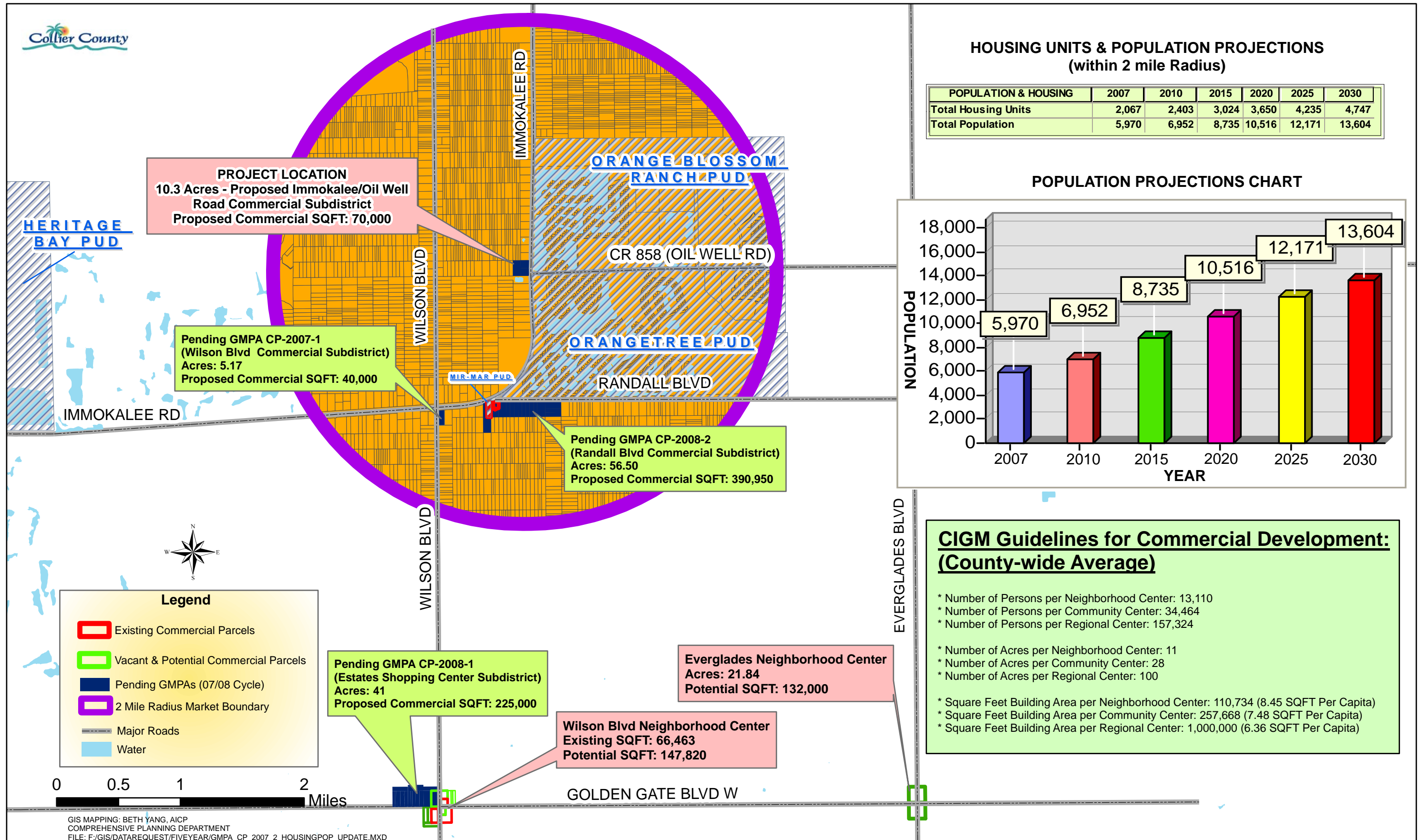
**ATTACHMENT:  
 MAP 1**





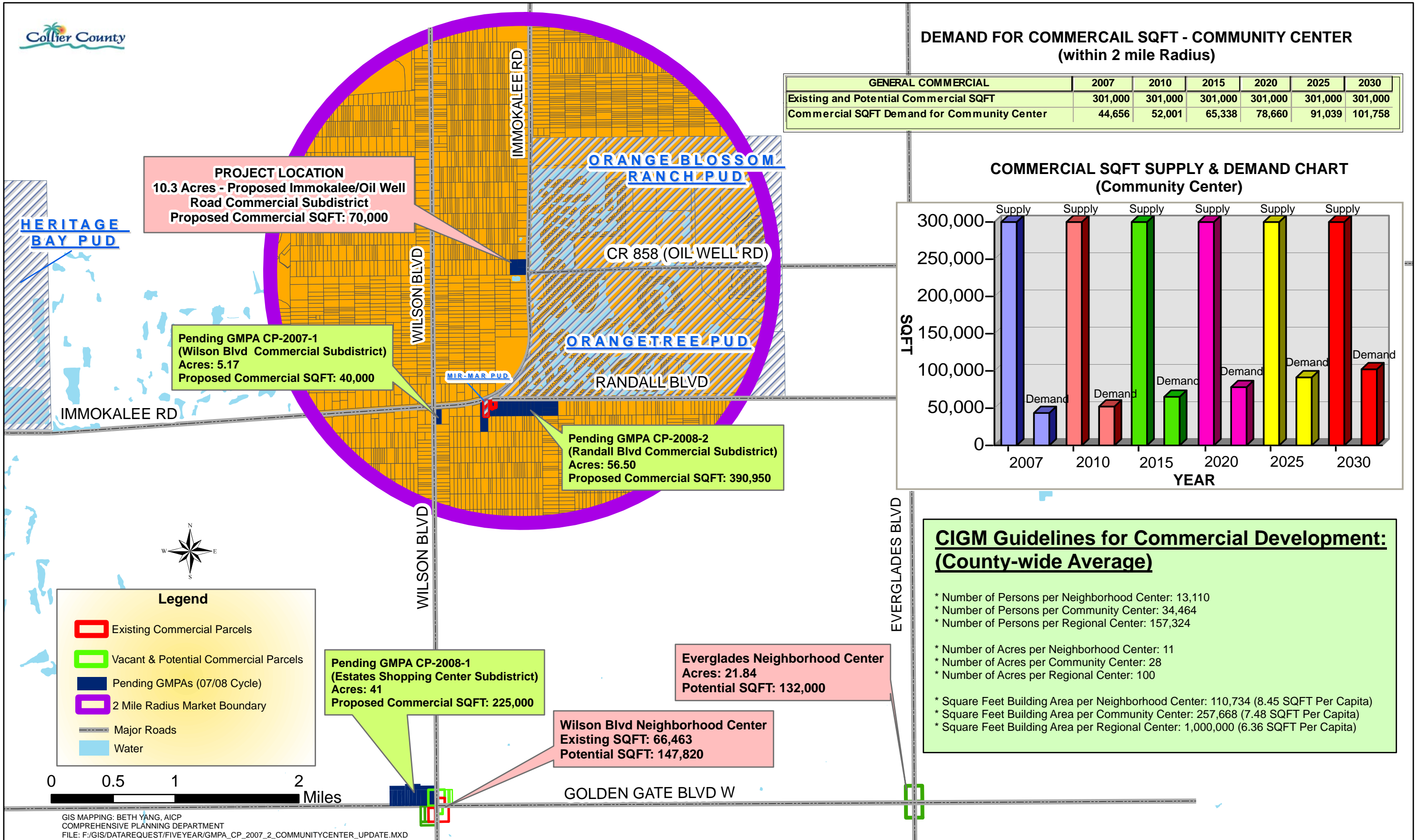
# COMMERCIAL ANALYSIS FOR GMPA CP-2007-2 USING INTERACTIVE GROWTH MODEL (HOUSING UNITS & POPULATION)

## ATTACHMENT: MAP 2



COMMERCIAL ANALYSIS FOR GMPA CP-2007-2  
 USING INTERACTIVE GROWTH MODEL  
 (COMMERCIAL SQFT DEMAND FOR COMMUNITY CENTER)

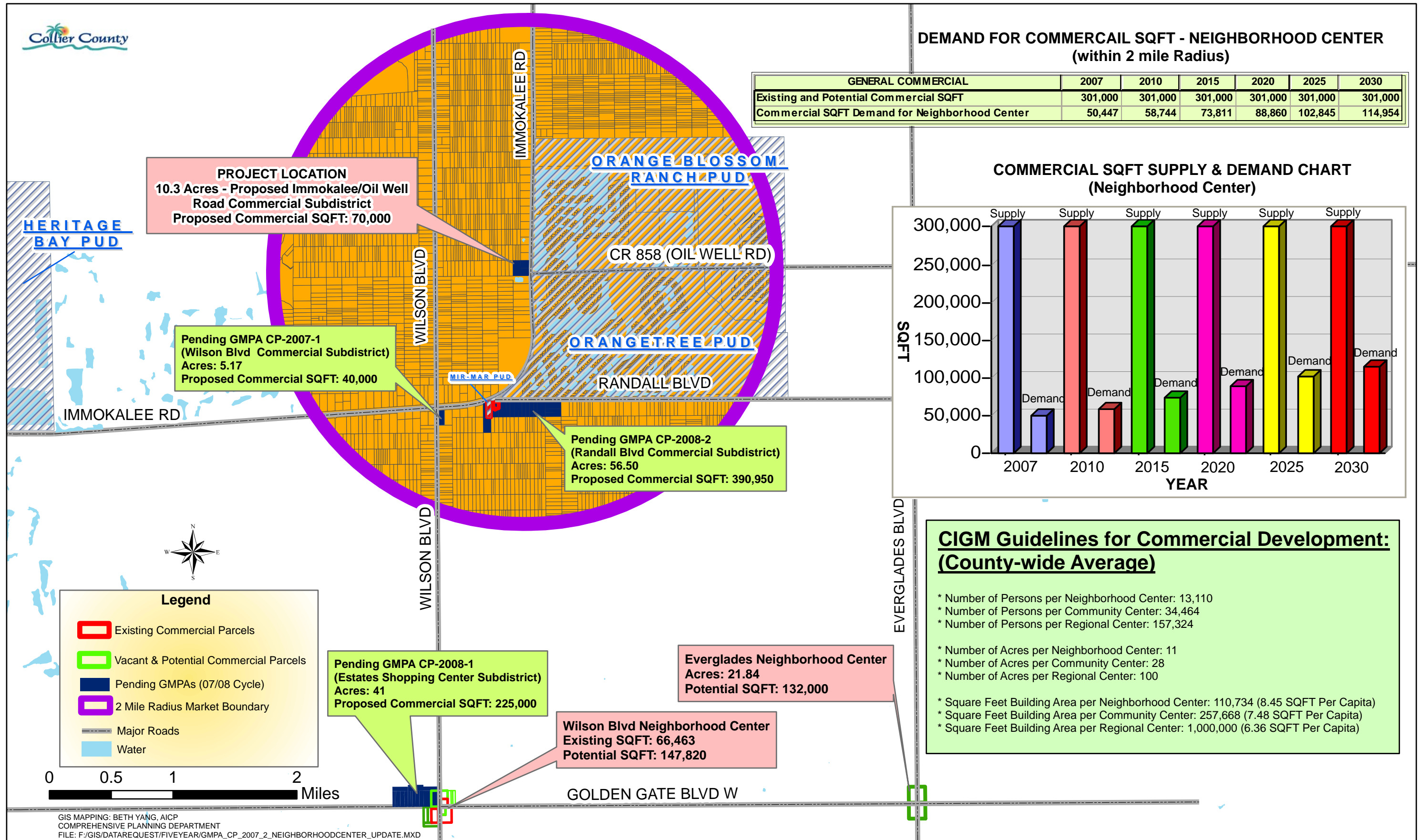
**ATTACHMENT:  
 MAP 3**





COMMERCIAL ANALYSIS FOR GMPA CP-2007-2  
 USING INTERACTIVE GROWTH MODEL  
 (COMMERCIAL SQFT DEMAND FOR NEIGHBORHOOD CENTER)

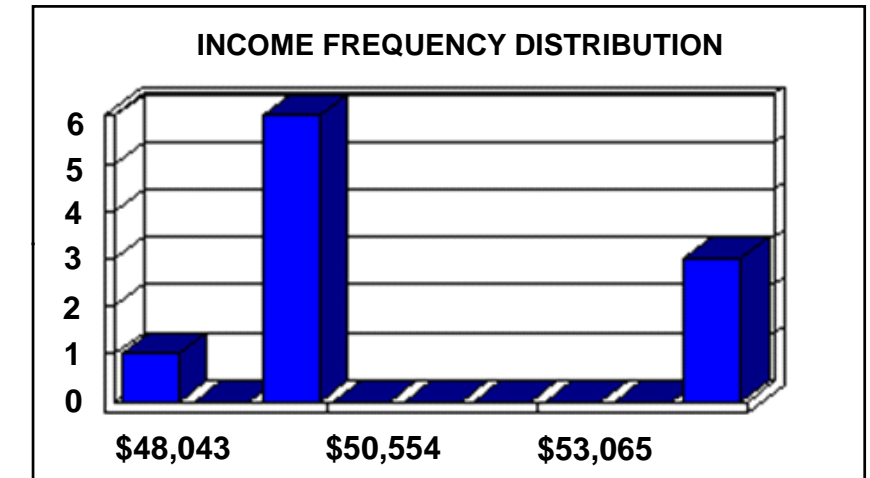
**ATTACHMENT:  
 MAP 4**



# AVERAGE HOUSEHOLD INCOME PER TAZ (BASED ON 2000 CENSUS DATA)

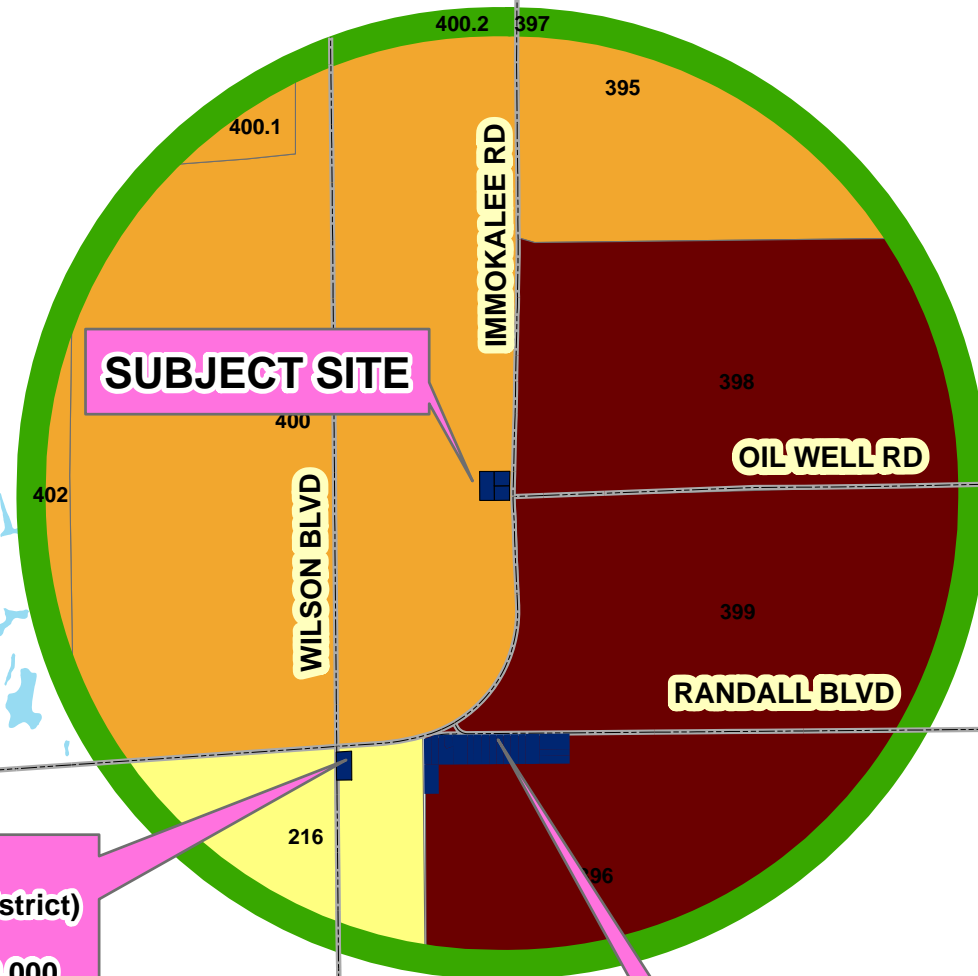
## ATTACHMENT: MAP 5

**AVERAGE HOUSEHOLD INCOME:  
(WITHIN 2 MILE RADIUS)  
\$51,666**



### STATISTICS:

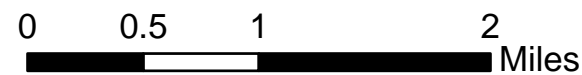
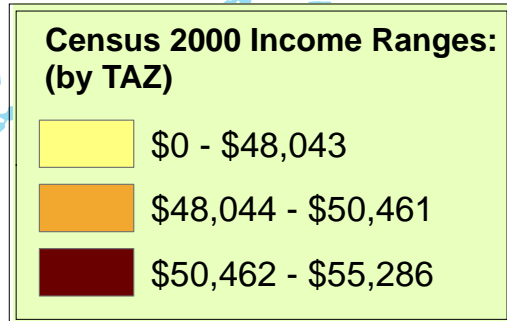
MINIMUM: 48,043  
 MAXIMUM: 55,286  
 SUM: 516,667  
 MEAN: 51,666  
 STANDARD DEVIATION: 2,473



Pending GMPA CP-2007-1  
 (Wilson Blvd Commercial Subdistrict)  
 Acres: 5.17  
 Proposed Commercial SQFT: 40,000

Pending GMPA CP-2008-2  
 (Randall Blvd Commercial Subdistrict)  
 Acres: 56.50  
 Proposed Commercial SQFT: 390,950

Pending GMPA CP-2008-1  
 (Estates Shopping Center Subdistrict)  
 Acres: 41  
 Proposed Commercial SQFT: 225,000



GIS MAPPING: BETH YANG, AICP  
 COMPREHENSIVE PLANNING DEPARTMENT  
 FILE: F:/GIS/DATA/MARKETAREA\_2007\_2.mxd

LEE COUNTY LINE



IMMOKALEE RD

400.2 397

400.1

395

400

OIL WELL RD

398

RANDALL BLVD

399

402

400

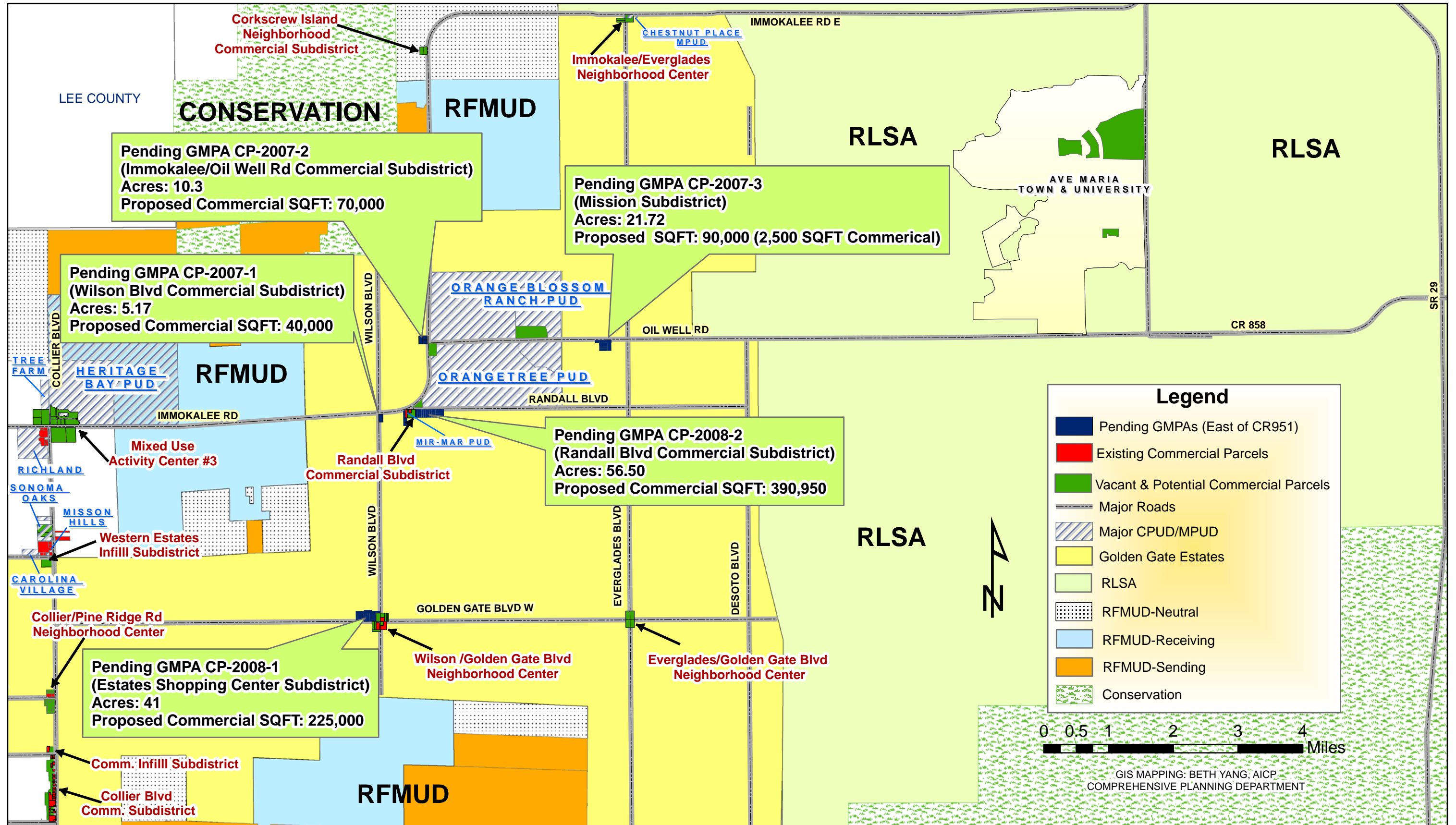
WILSON BLVD

216

96

GOLDEN GATE BLVD W

# PENDING GMPAs LOCATIONS (2007/2008 COMBINED CYCLE) EAST OF CR 951





# PENDING GMPAs COMMERCIAL MARKET AREA (EAST OF C.R 951)

