



**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 NO. CP-2007-5, LOGAN/IMMOKALEE MIXED USE SUBDISTRICT
GROWTH MANAGEMENT PLAN AMENDMENT
[TRANSMITTAL HEARING]
Coordinator: Corby Schmidt, AICP, Principal Planner

AGENT/APPLICANT/OWNERS:

Agents: D. Wayne Arnold, AICP
Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

Richard D. Yovanovich, Esq.
Goodlette, Coleman & Johnson, P.A
4001 North Tamiami Trail, Suite 300
Naples, Florida 34103

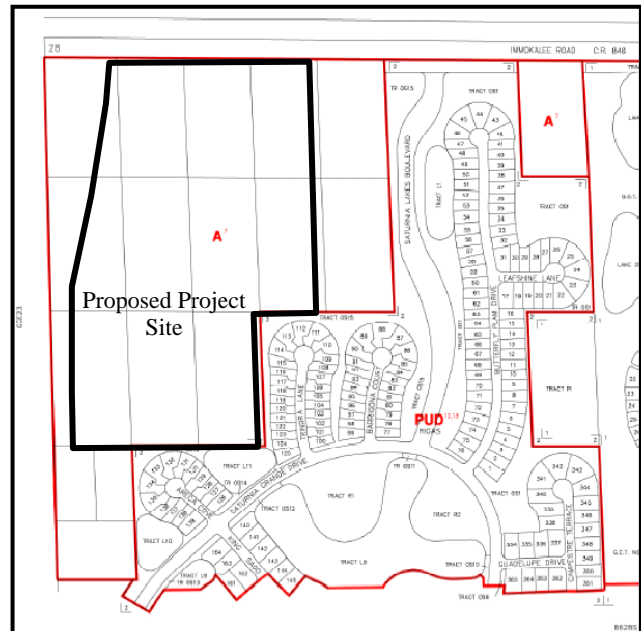
Applicant and Owner:
Daniel D. Peck, Trustee
Peck and Peck
5801 Pelican Bay Boulevard, Suite 103
Naples, Florida 34108

Other Owners:
Oakwood Park West, LLC
2170 Logan Boulevard North
Naples, Florida 34119

Cullen Z. and Constance J. Walker
2170 Logan Boulevard North
Naples, Florida 34119

GEOGRAPHIC LOCATION:

The Subdistrict site contains approximately 41 acres and is located at the southeast corner of the Logan Boulevard (CR 31) and Immokalee Road (CR 846) intersection. The property has approximately 936 feet of frontage on Immokalee Road and 1,854 feet of frontage on Logan Boulevard. The property lies within the Urban Estates Planning Community, in Section 28, Township 48 South, Range 26 East, Collier County, Florida. (See aerial and zoning maps on next page)



REQUESTED ACTION:

This petition seeks to amend the Future Land Use Element (FLUE) text, and Future Land Use Map and Map Series by:

1. Amending Policy 1.1 of the Urban - Mixed Use District to add the Logan/Immokalee Mixed Use Subdistrict;
2. Amending the Urban – Mixed Use District to add the proposed Subdistrict language;
3. Amending the Future Land Use Map to add this new Subdistrict, creating a new Future Land Use Map Series inset map depicting this new Subdistrict, and adding this new Subdistrict map the Table of Contents, List of Maps; and
4. Amending the Urban Designation to add this inset map where various Subdistricts that allow non-residential uses are listed, and to the Future Land Use Map Series listing.

The petitioner’s proposed text changes, shown in strike-through/underline format, are as follows: (Words underlined are added, words ~~struck through~~ are deleted.)

A. URBAN – MIXED USE DISTRICT

[New Text, Page 47.2]

Logan/Immokalee Mixed Use Subdistrict

This Subdistrict is located at the southeast corner of the Logan Boulevard/Immokalee Road intersection. It is approximately 41 acres in size. The intent of this Subdistrict is to allow a variety of

shopping, personal services and employment opportunities for the surrounding residential areas within a convenient travel distance. The development of this Subdistrict shall be governed by the following criteria:

- a. Development is encouraged to be in the form of a Planned Unit Development (PUD).
- b. Development shall be limited to agricultural uses such as landscape maintenance/nursery operations and those permitted and conditional uses allowed in the C-1, Commercial Professional and General Office District through C-4, General Commercial District, as contained in the Collier County Land Development Code, Ordinance No. 04-41, as amended.
- c. The maximum gross leasable floor area shall be limited to a total of 260,000 square feet.
- d. Retail development shall be limited to single-story structures, while all other uses may occur in multi-story buildings.
- e. Residential development shall be limited to a maximum of 60 dwelling units, subject to the Density Rating System.
- f. To ensure that all land uses are compatible with neighboring uses, appropriate development standards and design guidelines shall be established at the time of rezoning.
- g. Access to the site shall be coordinated with surrounding properties, and the feasibility of pedestrian and/or vehicular interconnection to adjacent properties shall be explored during the rezoning process and provided if deemed feasible.

BACKGROUND AND PROJECT DESCRIPTION:

This proposal intends to establish the "Logan/Immokalee Mixed Use Subdistrict" in the GMP Future Land Use Element to allow new commercial development, while retaining existing-use and residential development rights. The petition describes a project providing up to 260,000 sq. ft. of gross leasable floor area for office, retail, and personal services typically found in the C-1, Commercial Professional and General Office, through C-4, General Commercial, zoning districts, a landscape maintenance/nursery operation, and up to 60 residential units.

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

Subject Site:

The subject property is partially undeveloped, partially developed with a single-family residence and a landscaping/nursery business, currently zoned A, Rural Agricultural and comprises approximately 41 acres. The present Urban Mixed Use District, Urban Residential Subdistrict designation allows single-family residences at a density of up to 16 dwelling units per acre, and limited non-residential uses (e.g. community facilities, essential services, etc.).

The existing Future Land Use Designation allows for viable uses on the subject site, including the existing uses. Allowable uses presently include residential development; a variety of community facility uses; recreation and open space uses; institutional uses, e.g., child care facilities, churches and places of worship, assisted living facilities, adult care facilities, nursing homes, social and

fraternal organizations, public and private schools; a variety of agricultural uses; and, essential services.

Surrounding Lands:

N - ZONING: Across Immokalee Road, PUD, Residential Planned Unit Development zoning lies northwest (Longshore Lake) and northeast (Olde Cypress); A, Rural Agricultural, lies north;

EXISTING LAND USE: Across Immokalee Road, a 6-lane divided arterial roadway, and an east-west drainage canal, Longshore Lake residential, and Olde Cypress mixed-use PUDs; the agricultural parcels are wooded and undeveloped;

FLUM DESIGNATION: The current Future Land Use Designation is Urban, Urban Mixed Use District, Urban Residential Subdistrict.

S - ZONING: PUD, Residential Planned Unit Development (Saturnia Lakes);

EXISTING LAND USE: Saturnia Lakes residential community;

FLUM DESIGNATION: The current Future Land Use Designation is Urban, Urban Mixed Use District, Urban Residential Subdistrict.

E - ZONING: PUD, Residential Planned Unit Development (Saturnia Lakes);

EXISTING LAND USE: Saturnia Lakes residential community; Heritage Greens residential community; residential land uses and Gulf Coast High School facilities;

FLUM DESIGNATION: The current Future Land Use Designation is Urban, Urban Mixed Use District, Urban Residential Subdistrict. The "Immokalee Road and Collier Boulevard Mixed Use Activity Center" (MUAC) lies about 1.8 miles east.

W - ZONING: Across Logan Boulevard, a 2-lane undivided collector roadway, zoning is A, Rural Agricultural (thin strip of land), then E, Estates;

EXISTING LAND USE: Across Logan Boulevard, are single-family residences and residential lots, as parts of the Golden Gate Estates subdivision;

FLUM DESIGNATION: The current Future Land Use Designation is Estates, Estates Mixed Use District, Residential Estates Subdistrict [*This area falls under the jurisdiction of the Golden Gate Area Master Plan (GAMP)*]. The "I-75 and Immokalee Road Interchange Activity Center" lies about 1.1 miles west.

In summary, the current zoning and, existing and planned land uses in the area immediately surrounding the subject property are primarily suburban- and estate-type residences or residential lots in all directions. The more distant, commercial component of the Quail Creek/Quail II PUD, and commercial component of the Olde Cypress DRI lie approximately 0.65 mile west and 0.55 mile east, respectively; the Northbrooke Plaza and commercial component of the Malibu Lake PUD lie approximately 1.1 miles west, and commercial components of the Mirasol and Richland PUDs lie approximately 1.8 miles east.

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.

Appropriateness of Change:

If approved, this Growth Management Plan amendment will result with introducing new commercial development, uses and activities to a location where commercial development is not now planned, and consequently impacting a larger planning area. Establishing whether designating the site for commercial development disrupts the stability of residential and other established uses in the planning area is a valid concern.

The practicality of changing the GMP to accommodate the petition’s proposed Subdistrict is to be established through an evaluation of relevant and appropriate data for population growth, commercial inventory, infrastructure development, and other considerations in the surrounding area.

For more explanation, refer to the Comprehensive Plan Amendment – Statutory Data and Analysis Requirement section of the “Standard Language for GMPA Staff Reports” document.

Commercial Development

A trend toward commercial development is not evident in the area immediately surrounding the proposed commercial and residential Subdistrict, but within a “**Support Area**” described in the market conditions study submitted with this petition [as the combined **Primary Trade Area (PTA)** extending less than two (2) miles from the subject property, and the **Secondary Trade Area (STA)** shaped approximately (7) miles long, by approximately 2.5 miles wide oriented along Logan Boulevard] for the new Subdistrict, commercial development is evident, including the following approved projects:

- ◆ Island Walk commercial component (15 acres/21,000 sq. ft. of commercial) in the Island Walk DRI [2.5 road miles south]
- ◆ Northbrooke Plaza PUD (29.9 acres/270,000 sq. ft.) in the northeast quadrant of Interchange Activity Center Subdistrict (MUAC 4) [1.1 miles west]
- ◆ Malibu Lake PUD (37.1 acres/330,000 sq. ft.) in the southeast quadrant of Interchange Activity Center Subdistrict (MUAC 4) [1.1 miles west]
- ◆ Olde Cypress commercial component (12.5 acres/165,000 sq. ft. of commercial) in the Olde Cypress DRI [0.55 mile east at the Immokalee Road – Preserve Lane intersection]
- ◆ Quail Creek/Quail II commercial component (184,000 sq. ft. of commercial) in the Quail II PUD [0.65 mile west at the Immokalee Road – Executive Drive intersection]
- ◆ Rigas commercial component (10,000 sq. ft. of commercial) in the Saturnia Lakes PUD [immediately southeast via Saturnia Lakes Boulevard]

The above-listed sites are located within the **Support Area** described in the market conditions study submitted with this petition, and currently provide a total of nearly 989,000 sq. ft. of commercial use opportunities in both the Neighborhood Center and Community Center development categories.

Approximately 388,603 sq. ft. of existing commercial development (on 45.77 acres), and another 365,963 sq. ft. of vacant land zoned commercial (on 60.55 acres), are found within the boundaries of the **Support Area** for the Subdistrict. The combined amount of existing and zoned commercial space in the **Support Area** totals 754,566 sq. ft. on 106.32 acres. *[These figures are illustrated by Attachment: Map 1 & Map 2, and the red-underlined entries in the tables included thereon.]*

Approximately 955,534 sq. ft. of existing commercial development (on 146.32 acres), and another 1,461,010 sq. ft. of vacant land zoned commercial (on 239.49 acres), are found within a 3-mile radius of the proposed Subdistrict. The combined amount of existing and zoned commercial space found within a 3-mile radius of the proposed Subdistrict totals 2,416,544 sq. ft. on 835.81 acres. *[These figures are illustrated by Attachment: Map 1 & Map 2, and the tables included thereon.]*

Sources: March 2008 and July 2009 Planned Unit Development (PUD) Master List (prepared and maintained by the Collier County Engineering Department) and the County Geographic Information System (GIS) incorporating 2007 Commercial Inventory data.

'Mixed Use Activity Centers', 'Mixed Use Subdistricts' and 'Commercial Subdistricts' are commercial components of the Future Land Use Element, and are counted toward the inventory of land available for development, even if they are not yet zoned commercial. These components presently provide additional commercial opportunities – adding 492,586 sq. ft. to the above amount.

Permanency of Boundary of “Logan/Immokalee Mixed Use Subdistrict” if the requested amendment to the Future Land Use Element is granted:

Future land use plans change over time as do the maps depicting geographic areas that correspond to adopted planning provisions. Planning designations and districts (and thus, their boundaries) represent transitions between differing existing or future land uses. These planning areas and their boundaries should be most permanent where they represent and further the goals objectives and policies of long-range growth management plans. Permanency can be described by a range of land use scenarios, where combinations of planned and unplanned uses, existing and future uses, similar and dissimilar uses, plan consistency and inconsistency and numerous other factors come under consideration, with a few examples below.

- A homogenously developed area that surrounds, or encircles an undeveloped area, currently designated with a *different* planning district – provides a relatively straightforward example of a semi-permanent boundary. Closing the hole in the planning district, eliminates a boundary – and exemplifies an appropriate modification to develop the area in a cohesive manner.
- Incremental additions to, or expansions of, an existing planning district – where undeveloped land is to be adjoined to developed land consistent with growth management plans in order to develop *similar* uses – is a classic example of the impermanency of a planning boundary, and is often found to be appropriate.
- The boundary between two planning designations, each developed with *different* land uses and consistent with growth management plans – is a classic example of the most permanent of planning boundaries.

- A homogenously developed area that surrounds, or encircles an undeveloped area currently designated within the *same* planning district – is an example of no boundary being necessary. Opening a hole in the planning district to accommodate *dissimilar* uses is seldom found to be appropriate.

The most problematic considerations deal with land use and planning combinations where new designations are proposed for *dissimilar uses* or are *not consistent* with growth management plans. This is the case with CP-2007-5. Creating the Logan/Immokalee Mixed Use Subdistrict opens a new planning hole in order to establish a dissimilar planning designation inconsistent with growth management plans. As the new Subdistrict is developed, the boundary between established and new land uses will become permanent.

For more explanation, refer to the Growth Management Plan Vision section of the “Standard Language for GMPA Staff Reports” document.

Commercial Demand Analysis

The FLUE and the GGAMP currently provide for future commercial development to accommodate the growing population.

The segment of Immokalee Road between I-75/Northbrooke Drive and Collier Boulevard (CR 951) is anchored at each of these intersections by Mixed Use Activity Center (MUAC) Commercial Subdistricts. The MUACs in Collier County are comprehensively planned to provide ample commercial development opportunities. These planned locations are purposely sized and spatially arranged to encourage and support a healthy business environment Countywide and, to discourage and avoid over commercialization and strip development.

Comprehensive Planning Department staff utilized the Subdistrict’s **Support Area** as described in the market conditions study submitted with this petition and available County resources to conduct a thorough evaluation of the CP-2007-5 proposal, with the following results:

Demand in year 2010 for commercial development in the Logan/Immokalee Mixed Use Subdistrict’s **Support Area** is calculated to be for 117,338 sq. ft. (for Community Center commercial space), [and 132,555 sq. ft. (for Neighborhood Center commercial space)], while there is more than 754,500 sq. ft. of existing and potential commercial space available. This **Support Area** currently provides more than three (3) times the commercial space necessary to serve the estimated current population of 15,687. *[These figures are illustrated by Attachment: Map 1 & Map 2, and the red-underlined entries in the tables included thereon.]*

The market demands of the population projected for the Logan/Immokalee Mixed Use Subdistrict’s **Support Area** in year 2030 increase to 152,270 sq. ft. (for Community Center commercial space), [and 172,270 sq. ft. (for Neighborhood Center commercial space)], while more than 754,500 sq. ft. would still be developed or available – providing more than two times the commercial space necessary to serve the estimated year 2030 population of 20,357.

Source: 2009 Collier County Population figures by TAZ – (April 2009)

The firm of Fraser and Mohlke Associates, Inc. conducted a Market-Conditions Study, dated July 29, 2009, independently analyzing market conditions within the Urban Estates Planning Community District (PCD). This analysis provided an overall context for assessing the basic goods and services requirements of the emerging population within an area beginning at Livingston Road at the Lee-Collier County line, extending easterly along the County line to CR-951, then the boundary turns south to run generally along CR 951 to Pine Ridge Road, meanders from Pine Ridge Road to Green Boulevard, then turns west to run along Green Boulevard to Livingston Road, then north to the County line to complete the boundary. The Study provided the following data and analysis:

Section 1, Market Conditions

Study Area Definition is the “Urban Estates” Planning Community District (PCD). This Study Area encompasses the largest geographic area, and is the basis for the successively smaller area analyses that follow. Total population in the **Study Area** was estimated to be 35,149 (2005); is projected to be 37,649 (2010), and 39,417 (2015). [p. I-1] [April 1, Collier County Population Estimates and Projections, (CCPEP), May 2009] As a comparison, these figures are unchanged and, 15.61% and 26.5% decreases from 2007 CCPEPs for the same years, respectively.

Defining a Support Area for Analysis incorporates the Metropolitan Planning Organization (MPO) saturation analysis by Traffic Analysis Zone (TAZ), including a narrow selection of TAZs located within 4.0 miles of the subject property. [opposite p. I-9] Staff notes that the geography of this **Support Area** is not the typical radial measurement, nor is it a road mileage distance mirroring expected traffic patterns. This Support Area is approximately (7) miles long, by approximately 2.5 miles wide. This Support Area is the next-smaller geographic area studied. Build-out population in the **Support Area** is projected to be 26,315 [Table 1.05.03].

The Study *adjusts** figures taken from the 2005 Collier County Residential Build-Out Study, to project an estimated 26,315 persons will reside in the **Support Area** TAZs, encompassing the next-smaller **Primary Trade Area (PTA)**. [p. I-11.2] The PTA includes a more limited selection of TAZs, and extends less than two (2) miles from the subject property.

**(The Market-Conditions Study adjusts CCPEP population estimates as a representation of a “functional build-out population”, to accommodate for discrepancies between two mismatched methodologies estimating seasonal populations.)*

The **PTA** has an estimated population of 12,442 at build-out, and an adjusted, *functional* population of 16,100 [± year 2030].

Guidelines for Commercial Development explains how County guidelines were utilized in this Market Study, providing the figures for:

- 11 acre land area and an 110,734 sq. ft. building dimension for a Neighborhood Center (8.45 sq. ft. per capita)
- 28 acre land area and a 257,668 sq. ft. building dimension for a Community Center (7.48 sq. ft. 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.

These figures, applied to 26,315 persons, produce a demand for 196,836 sq. ft. of Community Center commercial space necessary to serve the Subdistrict's **Support Area**, or, "Combined Trade Area", on approximately 21.38 acres, at build-out. [Demand for 222,361 sq. ft. of Neighborhood Center commercial space will be necessary, on approximately 25.5 acres, at build-out. [p. I-13.1] This section does not provide population figures for current or interim years.

Inventory of Approved Planned Unit Developments lists commercial acreage and floor area in the **Support Area**, encompassing the smaller **PTA**. [Section I, Exhibit 3] Planned Unit Developments (PUD) with commercial components lying in the **Support Area** include: Island Walk, Northbrooke Plaza, Quail Creek/Quail II, Malibu Lake and Olde Cypress, approved for 1,070,000 sq. ft. commercial floor area, on more than 103 acres.

This section identifies approximately 402,145 commercial sq. ft. located in approved PUDs as "developed" [or existing] and 667,855 commercial sq. ft. as "undeveloped" [or potential], when enumerated earlier this year.

Section 2, Existing Land Uses

(The Inventory of) 2007 Commercial Land Uses, and the Department of Revenue Commercial Land Use Inventory and Retail Land Use Codes list commercial acreages and floor areas for commercially developed properties located in the **Study Area**, which encompasses the largest geographic area. These data sets are not reduced to subsets including only those TAZs comprising the **Support Area**, the term given to the combined Primary Trade Area (PTA) and Secondary Trade Area (STA). Approximately 114,932 sq. ft. commercial floor area, on 15.74 acres are inventoried in Section II – Exhibit 1, and summarized in Table 2.02.

Section II – Exhibit 1 does not provide a full data set. Not all of the **Support Area** TAZs were included, so all commercial land uses were not inventoried. TAZ 368 is absent from the **Primary Trade Area** listing, and it contains commercial uses. TAZ 190 is absent from the **Secondary Trade Area** listing, and it too, contains commercial square footage.

The description on page II-2 makes the claim with regard to the accuracy of Section II – Exhibit 1, about "clearly" demonstrating commercial zoning in the **Support Area** based on an "extensive" and "detailed" inventory. However, as shown above, this inventory Exhibit is incomplete – making the claim unsubstantiated. Any tables based on the incomplete Exhibit 1 data set, such as Table 2.02, undercount commercial square footage and acreage. An analysis conducted based on this data cannot provide an accurate interpretation, will produce false positives, and any findings will be inconclusive.

Staff found this Section lists a broad range of commercial land uses (159 listings) claimed to be "appropriate" for the subject site. Uses listed include personal, medical and business services; financial institutions; drug, grocery, liquor and other stores; hospitals; eating and drinking places; and, gas stations.

Section 3, Retail Demand Forecasts for the Study Area

The Commercial Demand Study for the Golden Gate Area (October 2003) provides a basis for market analysis meant to "establish whether retail capacity forecasted for 2005 remains presently". The author's introductory statement contends that, "the predicted deficit persists to the time of this writing". [p. III-1]

Retail demand calculations incorporated a number of factors, including: Per-capita income (PCI); Sales per square foot (SPF); Floor area ratios (FAR); Retail expenditure (RE) forecasts; and, Vacancy rates. [pp. III-1 - 3] Three large geographical areas studied, each a part of Golden Gate Estates, make up an area smaller than the subject site's **Study Area** and larger than both its **Support Area** and **Primary Trade Area**. [opposite p. III-3] The 2003 Study did not factor in commercial land uses located outside Golden Gate Estates, County "Rural Settlement Areas", or planned commercial areas in the RFMUD and RLSA. [p. III-7] The 2003 Study is narrow in its scope and limited in its applicability, due to its point-in-time calculation factors, different study areas, and dissimilar data sets.

Of particular interest is the Study's use of data in Tables 3.20 and 3.03, which include TAZs located outside the proposed Subdistrict's **Support Area**. Of the more than 240 acres listed, only 80 acres lie inside the **Support Area**. The amount of developed or developing commercial acreage is over-counted by 160 acres.

Section 4, Summary of Findings and Recommendations

This section draws conclusions from the findings of the Market-Conditions Study, generally in support of the petitioner's desire to develop the site commercially.

Staff Summarization of the Market-Conditions Study

Analysis of data provided in the Market-Conditions Study lacks a direct correlation (apples-to-apples) to other data sets, summaries or findings, and brings the conclusions and recommendations presented into question.

The listing of Neighborhood Centers or Commercial Subdistricts located within the same Support Area or Primary Trade Area (and just outside them) is incomplete. Commercially planned locations lying outside the same (or shared) market area but drawing from the same potential market pool are missing from consideration.

The shared, or *competing, market area* (or *areas*) from nearby commercial [and commercially planned] locations lying outside the selected Support Area or Primary Trade Area were not considered. The lack of including shared and competing market areas affects the dynamics of the marketplace and would obviously affect the outcome of the analysis.

The Market-Conditions Study gave cursory attention to the development potential and market dynamics of Rural Villages in the Rural Fringe Mixed Use District (RFMUD) into consideration, while these factors have an influence on the market area that should not be disregarded. The development of Rural Villages is expected and encouraged in RFMUD Receiving Lands, which are required to include a commercial component that can be expected to meet an amount of commercial demand derived from Golden Gate Estates.

No shortfall of commercial land can be concluded from the Study of Market Conditions. Demand for additional commercial uses is not demonstrated and one cannot conclude that substantive demand is present for new commercial development.

As a point of emphasis, Chapter 163, *Florida Statutes*, and Rule 9J-5, *Florida Administrative Code*, requirements to provide appropriate data and analysis to demonstrate the amendment is needed are not met.

Environmental Impacts:

A Protected Species Survey, dated April 23, 2007, and an addendum, dated May 2009, prepared by Boylan Environmental Consultants were submitted with this petition. Environmental review specialists with Collier County Environmental and Engineering Services reviewed these documents, found the proposal to be consistent with [applicable environmental provisions in] the Growth Management Plan, and provided the following comments:

- The project site includes two single-family homes, roads and trails, disturbed areas and a tree nursery. The vegetated habitats include unimproved pasture (portions hydric); pine flatwoods; mesic pine flatwoods; cabbage palm; exotic wetlands; cypress wetlands; and pine swamp forest, all with varying levels of exotics. The soils found on site are listed as holopaw fine sand, limestone substratum; Basinger fine sand; holopaw & Okeelanta soils, depressional; and Malabar fine sand.
- The listed species survey conducted on site concluded that there were no listed species found foraging or nesting, and there were no signs of gopher tortoises, red cockaded woodpeckers, Florida panther or Florida black bear. One stick nest was found that could be from Big Cypress fox squirrels. Non-listed species observed include songbirds, black vulture, and evidence of raccoons and rabbits were visible. No protected plant species were found on site.
- No special environmental concerns are associated with the establishment of the Subdistrict on the subject site.
- An updated listed species survey will be required before the site is developed.
- Staff has not verified the provided FLUCCS mapping and does not approve it with this petition. This verification will be addressed during subsequent development order review (rezone and/or site development plan).
- Native vegetation preservation requirements will be specifically addressed during subsequent development order review (rezone and/or site development plan). With the current zoning of Agriculture, the site may not be required to preserve any amount of vegetation under County rules. If the petition is approved as residential and commercial, 25% of the native vegetation present will be required to be retained in a preserve.

Traffic Capacity/Traffic Circulation Impact Analysis, Including Transportation Element Consistency Determination:

A Traffic Impact Statement (TIS), dated July, 2009, was prepared by Omega Consulting Group and submitted with this petition, including the analyses typically provided in a Growth Management Plan amendment application. The projects "area of influence" was determined to be Immokalee Road east and west of Logan Boulevard. The analysis studied Immokalee Road from Livingston Road to Collier Boulevard, and Logan Boulevard from Immokalee Road to Vanderbilt Beach Road. Fully 80% of traffic accessing the site comes from Immokalee Road (40% southbound from west/40% southbound from east), and 20% from traffic on Logan Boulevard (20% northbound from south).

Approval of this Subdistrict and development of the project would generate 3,182 daily gross new trips (2-way) and 258 PM Peak Hour gross new trips routed through a single access point. A single, full-movement access, located approximately 600 feet south of the intersection on Logan Boulevard,

would be a design limitation for access to the site. This limited access factors into the trip distribution discussed above, as 100% of all trips would utilize this one point of access.

A 2006 Volume-to-Capacity (V/C) analysis reported a greater than 1 V/C ratio for Immokalee Road between I-75 and Collier Boulevard (CR 951). This segment had a capacity deficit of – 1,514 trips. Roadway improvements constructed along the Immokalee Road corridor affected these V/C figures, and another analysis was performed in 2008. Results showed that – while the Logan Boulevard to Collier Boulevard segment achieved a V/C ration less than 1.0 (0.39), had remaining capacity, and exhibited a Level of Service (LOS) rating of “B” – the I-75 to Logan Boulevard segment nonetheless had a capacity deficit and exhibited a LOS rating of “F”.

Transportation Planners with the Collier County Transportation Planning Department reviewed the impact statement and provided the following comments:

1. **“Staff is recommending denial of this GMP amendment as the adjacent roadway network will not be able to accommodate the traffic that will be produced by this project, when analyzed in conjunction with the currently zoned and vested trips that are not reflected in the trip bank or this project’s Traffic Study.**

With consideration for access limitations stated in this review (see comment “3” below) the resulting traffic conditions will require 100% distribution of the project’s outbound trips to travel northbound on Logan, to the [operational] detriment the intersection of Immokalee Road and Logan Boulevard. The planned future condition of this roadway will limit the project to a right-in/right-out on Logan Boulevard, with a southbound left-in to cross the [future] median.

With regard for the currently vested and zoned trips on the affected roadway facilities, these future impacts must be included in the growth analysis in the TIS. Inclusion of these significant impacts is anticipated to demonstrate a condition that exceeds the operational capabilities of the roadway network and key intersection(s) in this area. *[emphasis intended]*

2. Traffic Study comments:

- a. The Traffic Study does not evaluate vested, zoned, and un-encumbered trips that are anticipated on the adjacent roadway network (Heritage Bay DRI, Terafina, Addie’s Corner, Mirasol are a few of the prominent examples of the zoned and/or vested residential impacts). The applicant’s response regarding the absence of these trips from trip bank because they are not considered “real”, is not valid for the purposes of a future-land-use-level traffic study.

This application is seeking to allow a significant (and potentially unreasonable) increase in the impacts that this site could be zoned to create, and although concurrency is not measured at the time of GMPA, or at zoning, the modeled capacity, with an accounting of the zoned, vested, but not yet constructed units can (and should) be evaluated. As a result, the traffic study does not accurately evaluate the proposed project in the appropriate context of the network background plus growth. Analysis of these growth related trips, on top of background traffic, plus this project’s traffic, is anticipated to show (unmitigated) deficient levels of service on the local roadway network and operational failures at the adjacent intersection. If resubmitted, these items must be addressed in the report.

- b. The Traffic Study has a discrepancy- it states 74 DU's in part of the document, yet only analyzes 60 DU's.
 - c. The trip generation presented at the methodology meeting and the trip generation presented here do not match. Upon review, it seems that the same internal capture has been deducted from both the Retail and Residential uses. Please revise this discrepancy, and revise any accompanying exhibits (Table 1, and Exhibit 2 are examples).
3. Access Management: No driveway is allowed on Immokalee Road, and only one driveway on Logan Boulevard can be approved. The conceptual master plan demonstrating these potential access points requires revision to remove them. The remaining allowable driveway on Logan Boulevard may apply for a right-in/right-out [configuration] with a southbound left-in (future 4-lane configuration of Logan Boulevard was considered in this review)."

Historical and Archaeological Impacts:

Historic or archaeological resources have not been identified as being present on the subject property, based on a review of the Collier County Index of Historic/Archaeological Maps, and the site is not identified on County Historical and Archaeological Probability Maps.

Public Facilities Impacts:

The petitioner prepared Public Facilities calculations, which were submitted with this petition.

This petition will result in increased impacts upon some other Category A public facilities besides roads (potable water, sanitary sewer, drainage, and solid waste), but these impacts will not be "significant" (generating potential for increased County-wide population greater than 2% of the BEBR medium range population projections for Parks, Solid Waste, Water, Sewer and Drainage facilities, as defined in Policy 1.2 of the CIE and other applicable Growth Management Plan Elements). For water and sewer, the proposed development will demand 39,000 gallons per day. Utilizing the level of service standards identified in the CIE, the proposed mixed, commercial and residential uses will not result in significant impacts on public facilities, besides roads.

Facilities review specialists with the Collier County Public Utilities Services reviewed the calculations and provided the following comments:

No objection. According to the current 2008 Water and Wastewater Master Plan Updates, this project is located within the Collier County Water - Sewer District (CCWSD). Based on a review of the County's GIS system, there is an existing 24-inch diameter water main and 16-inch diameter force main on Immokalee Road to serve this project. Hydraulic analysis connecting to the County water and sewer system will be required at the time of the rezone, Site Development Plan or similar processes.

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. For more explanation, refer to the 2008 Legislation - HB 697 section of the "Standard Language for GMPA Staff Reports" document.

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 has not submitted a response, data or analysis regarding this legislation. It is anticipated that the Florida Department of Community Affairs will raise an Objection in their Objections, Recommendations and Comments Report (ORC), should this petition be approved for transmittal.

Other Considerations:

File notes taken from the March 18, 2007 Pre-Application meeting show concerns were discussed regarding potential problems with access into and out of a commercial development. The lack of programmed improvements for widening Logan Boulevard limits the site's commercial viability.

Staff position is that the approval of commercial development or other non-residential uses where none is planned is in direct conflict with the creation and purposes of the Urban Residential Subdistrict and MUAC designations.

The County's ability to manage growth in accordance with its adopted Growth Management Plan is weakened by approvals allowing commercial development outside Neighborhood Centers, Mixed Use Activity Centers and other planned locations. These planned locations are purposely sized, spatially-arranged and separated to encourage and support a healthy business environment County-wide and, discourage and avoid over commercialization and strip development.

Abundant commercial land to serve residents' needs is approved in the immediate area, on properties with fewer limitations and better vehicular access, but has yet to be developed.

NEIGHBORHOOD INFORMATION MEETING (NIM) SYNOPSIS:

The Neighborhood Information Meeting (NIM) required by LDC Section 10.03.05 F was [duly advertised, noticed and] held on September 10, 2009, in the Saturnia Lakes Clubhouse. The NIM was initially advertised for the Cornerstone United Methodist Church, 8200 Immokalee Rd., but the building was not accessible. After repeated unsuccessful attempts to gain lawful access to the building, everyone gathered agreed to meet at a nearby location. Mr. Ron Gustafson, a representative from Saturnia Lakes was present, and agreed to stay at the original NIM location for at least one-half hour to verbally instruct any late-arriving persons to go on to the alternate location. Approximately 23 persons other than the applicant's team and County staff attended the NIM, and heard the following information:

The applicant's agent (Wayne Arnold) provided a full description of the proposed amendment to the group gathered, including the residential development and a maximum of 260,000 sq. ft. for office, retail, and personal services typically found in the C-1 through C-4 commercial zoning districts.

At least one speaker thought commercial activities should be more limited, as this proposal could be indicative of unwanted strip commercial development. Discussions took place about the potential intensity of commercial land uses, traffic, noise, lighting, hours of operation and the attractive nuisance it would be for the nearby school students. The applicant's agent explained how the Logan Boulevard corridor lacks commercial development, and how this site provides an opportunity to offer commercial services.

More discussion surrounded traffic concerns, as the subject property is located at the Immokalee – Logan intersection. Attendees also identified awkward traffic maneuvers created by the median design along Immokalee Road, particularly for traffic accessing Saturnia Lakes (restricted to left-in/right-out) and Heritage Greens (restricted to right-in/right-out), and by vehicles using the small number of dedicated turn lanes to perform U-turns.

At least one speaker voiced concern over the height of residential [condominium] buildings that would be allowed in the Subdistrict, particularly along the shared boundary with the Saturnia Lakes residential community.

The agent reviewed the GMPA consideration schedule, and the protracted timeline involved with applications for PUD zoning, followed by development orders, before actual construction could begin. He encouraged representatives from the communities in the area to work together during the process. The meeting was completed by 7:35 p.m.

[Synopsis prepared by C. Schmidt, AICP, Principal Planner]

FINDINGS AND CONCLUSIONS:

The following are findings and conclusions as a result of the review and evaluation of this request:

- The subject property is surrounded by GMP residential planning designations, a residential zoning district and existing single-family residential uses. Approval of this petition will, in essence, enable spot zoning via a “spot” FLUM GMP amendment.
- Based upon total existing commercial inventory in the market study area, there is a no additional need for commercial uses to serve the surrounding market area. There is an excess of more than two times the commercial space necessary to serve the estimated year 2030 population.
- The magnitude and scale of this project (41 acres, 260,000 sq. ft. of C-1 to C-4 uses) compares to Community Center commercial development, being larger than the typical limits of size, but typical in intensity.
- As a result of this amendment, there are no significant impacts to public facilities, as defined in the CIE, with respect to Potable Water, Sanitary Sewer, Stormwater Drainage and Solid Waste facilities. However, the Transportation Planning Department concluded the project would create an unacceptable Level of Service inconsistency with Policy 5.1 if approved.
- Other commercial zoning (and development) is as close as 1/2 mile to the east (Olde Cypress, Preserve Commons commercial component) at the northwest corner of the Immokalee Road/Preserve Lane intersection, and about 2/3 mile to the west (Quail II, Tradeway Commerce Park commercial component) at the northeast corner of Immokalee Road/Executive Drive intersection.
- The subject site has residential development options of up to 16 units per acre utilizing the available density bonuses, e.g. those awarded for Affordable-Workforce Housing, Roadway Access – while this specific site would not qualify for certain other density bonuses, limiting its density potential to about 12 units per acre; and, is eligible for other uses generally allowed throughout the Urban Mixed Use District.

- Any expansion of commercial development should be driven by the policies and provisions of the Future Land Use Element of the Growth Management Plan, not by speculative development attempting to meet the perceived spacing requirements of supermarket and drug store chains.
- The subject site abuts a principal urban/rural arterial road and a minor urban/rural arterial road – Immokalee Road and Logan Boulevard, respectively. Certain segments cannot provide sufficient capacity to accommodate additional commercial development, and cannot “continue to accommodate increased automotive traffic”. No access to the site would be allowed from Immokalee Road.
- The petition’s market study attempts to substantiate the need for a well-located commercial center providing for the personal service and office needs of the emerging resident population in the Primary Trade Area, but does not document need whatsoever.

Staff finds that the data and analysis for the subject Growth Management Plan amendment does not adequately support additional commercial development in the market study area, and the practicality of the proposed Logan/Immokalee Mixed Use Subdistrict is not substantively nor compellingly established.

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-2007-5 to the Board of County Commissioners with a recommendation not to transmit to the Florida Department of Community Affairs.

However, **IF** the CCPC should determine that this petition provides appropriate data and analysis that warrant adoption and chooses to recommend transmittal, staff recommends modifications to the proposed Subdistrict language, noted below in double strike-through/double underline format, as follows. These modifications are mostly for proper format, use of code language, succinctness, and clarity. (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.)

A. URBAN – MIXED USE DISTRICT

[New Text, Page 47.2]

17. Logan/Immokalee Mixed Use Subdistrict

~~This~~ ~~The Logan/Immokalee Mixed Use Subdistrict consists of approximately 41 acres located at the southeast corner of the Logan Boulevard / and Immokalee Road intersection. It is approximately 41 acres in size.~~ The intent of this Subdistrict is to allow a variety of shopping, personal services and employment opportunities for the surrounding residential areas within a convenient travel distance. The development of this Subdistrict shall be governed by the following criteria:

- a. Development is encouraged to be in the form of a Planned Unit Development (PUD).
- b. Development shall be limited to:
 - 1. ~~aAgricultural uses allowed by right in the A, Rural Agricultural District contained in the Collier County Land Development Code (LDC), Ordinance No. 04-41, as amended, such as landscape maintenance/nursery operations and those~~
 - 2. ~~Permitted and conditional uses allowed in the C-1, Commercial, Professional and General Office District through C-4, General Commercial District, in the LDC, as contained in the Collier County Land Development Code, Ordinance No. 04-41, as amended.~~
 - 3. Residential uses.
- c. The maximum gross leasable floor area shall be limited to a total of 260,000 square feet.
- d. Retail development shall be limited to single-story structures, while all other uses may occur in multi-story buildings.
- e. Residential development shall be limited to a maximum of 60 dwelling units, subject to the Density Rating System.
- f. To ensure that all land uses are compatible with neighboring uses, appropriate development standards and design guidelines shall be established at the time of rezoning.
- g. Access to the site shall be coordinated with surrounding properties, and the feasibility of pedestrian and/or vehicular interconnection to adjacent properties shall be explored during the rezoning process and provided if deemed feasible.
- h. Ingress/egress on Immokalee Road is prohibited.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PREPARED BY: Corby Schmidt **DATE:** 9/30/09
Corby L. Schmidt, AICP, Principal Planner
Comprehensive Planning Department

REVIEWED BY: David C. Weeks **DATE:** 9-30-09
David C. Weeks, AICP, Planning Manager
Comprehensive Planning Department

REVIEWED BY: Randall J. Cohen **DATE:** 9-30-09
Randall J. Cohen, AICP, Director
Comprehensive Planning Department

APPROVED BY: Joseph K. Schmitt **DATE:** 9/30/09
Joseph K. Schmitt, Administrator
Community Development and Environmental Services Division

PETITION NO.: CP-2007-5
Staff Report for the October 19, 2009 CCPC Meeting.

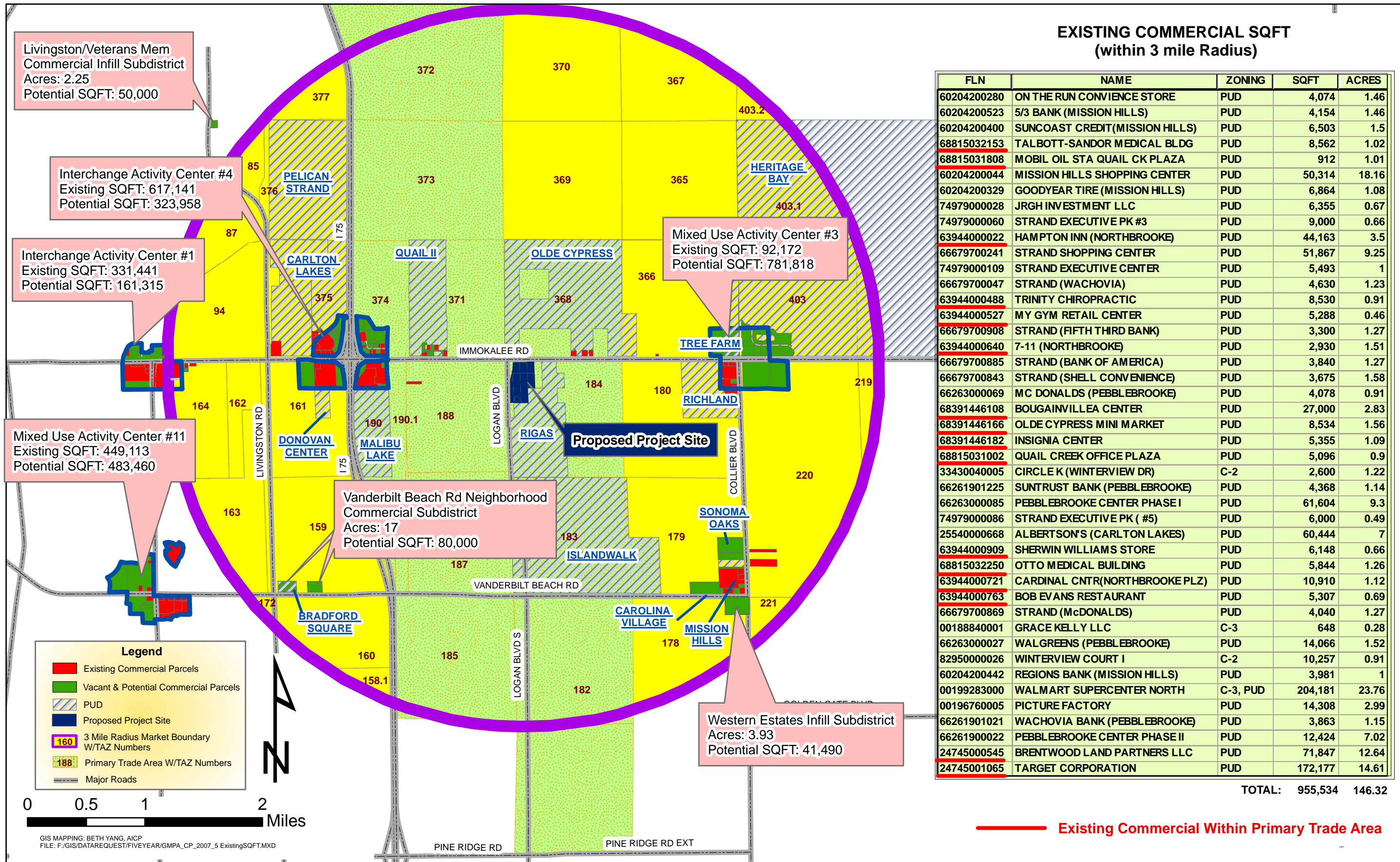
NOTE: This petition has been scheduled for the January 19, 2010 BCC Meeting.

COLLIER COUNTY PLANNING COMMISSION:

Mark P. Strain, Chairman

COMMERCIAL ANALYSIS FOR GMPA CP-2007-5 (EXISTING COMMERCIAL SQFT)

ATTACHMENT: MAP 1



Livingston/Veterans Mem
Commercial Infill Subdistrict
Acres: 2.25
Potential SQFT: 50,000

Interchange Activity Center #4
Existing SQFT: 617,141
Potential SQFT: 323,958

Interchange Activity Center #1
Existing SQFT: 331,441
Potential SQFT: 161,315

Mixed Use Activity Center #11
Existing SQFT: 449,113
Potential SQFT: 483,460

Vanderbilt Beach Rd Neighborhood
Commercial Subdistrict
Acres: 17
Potential SQFT: 80,000

Mixed Use Activity Center #3
Existing SQFT: 92,172
Potential SQFT: 781,818

Western Estates Infill Subdistrict
Acres: 3.93
Potential SQFT: 41,490

Legend

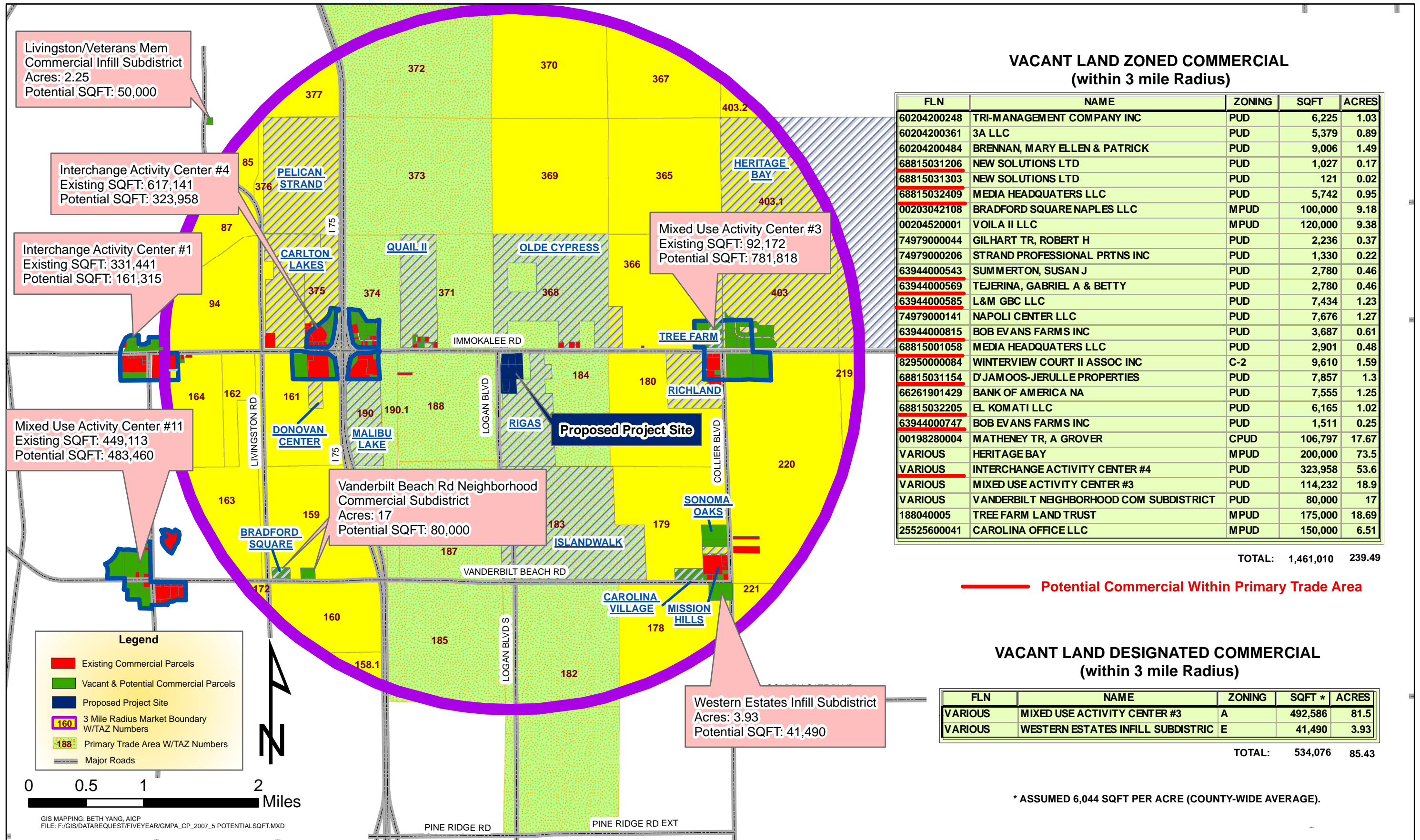
- Existing Commercial Parcels
- Vacant & Potential Commercial Parcels
- PUD
- Proposed Project Site
- 3 Mile Radius Market Boundary W/TAZ Numbers
- Primary Trade Area W/TAZ Numbers
- Major Roads



GIS MAPPING: BETH YANG, AICP
FILE: F:/GIS/DATAREQUEST/FIVEYEAR/GMPA_CP_2007_5 ExistingSQFT.MXD

COMMERCIAL ANALYSIS FOR GMPA CP-2007-5 (POTENTIAL COMMERCIAL SQFT)

ATTACHMENT: MAP 2



VACANT LAND ZONED COMMERCIAL (within 3 mile Radius)

FLN	NAME	ZONING	SQFT	ACRES
60204200248	TRI-MANAGEMENT COMPANY INC	PUD	6,225	1.03
60204200361	3A LLC	PUD	5,379	0.89
60204200484	BRENNAN, MARY ELLEN & PATRICK	PUD	9,006	1.49
68815031206	NEW SOLUTIONS LTD	PUD	1,027	0.17
68815031303	NEW SOLUTIONS LTD	PUD	121	0.02
68815032409	MEDIA HEADQUATERS LLC	PUD	5,742	0.95
00203042108	BRADFORD SQUARE NAPLES LLC	MPUD	100,000	9.18
00204520001	VOILA II LLC	MPUD	120,000	9.38
74979000044	GILHART TR, ROBERT H	PUD	2,236	0.37
74979000206	STRAND PROFESSIONAL PRNTNS INC	PUD	1,330	0.22
63944000543	SUMMERTON, SUSAN J	PUD	2,780	0.46
63944000569	TEJERINA, GABRIEL A & BETTY	PUD	2,780	0.46
63944000585	L&M GBC LLC	PUD	7,434	1.23
74979000141	NAPOLI CENTER LLC	PUD	7,676	1.27
63944000815	BOB EVANS FARMS INC	PUD	3,687	0.61
68815001058	MEDIA HEADQUATERS LLC	PUD	2,901	0.48
82950000084	WINTERVIEW COURT II ASSOC INC	C-2	9,610	1.59
68815031154	D'JAMOOS-JERULLE PROPERTIES	PUD	7,857	1.3
66261901429	BANK OF AMERICA NA	PUD	7,555	1.25
68815032205	EL KOMATI LLC	PUD	6,165	1.02
63944000747	BOB EVANS FARMS INC	PUD	1,511	0.25
00198280004	MATHENEY TR, A GROVER	CPUD	106,797	17.67
VARIOUS	HERITAGE BAY	MPUD	200,000	73.5
VARIOUS	INTERCHANGE ACTIVITY CENTER #4	PUD	323,958	53.6
VARIOUS	MIXED USE ACTIVITY CENTER #3	PUD	114,232	18.9
VARIOUS	VANDERBILT NEIGHBORHOOD COM SUBDISTRICT	PUD	80,000	17
188040005	TREE FARM LAND TRUST	MPUD	175,000	18.69
25525600041	CAROLINA OFFICE LLC	MPUD	150,000	6.51

TOTAL: 1,461,010 239.49

— Potential Commercial Within Primary Trade Area

VACANT LAND DESIGNATED COMMERCIAL (within 3 mile Radius)

FLN	NAME	ZONING	SQFT *	ACRES
VARIOUS	MIXED USE ACTIVITY CENTER #3	A	492,586	81.5
VARIOUS	WESTERN ESTATES INFILL SUBDISTRICT	E	41,490	3.93

TOTAL: 534,076 85.43

* ASSUMED 6,044 SQFT PER ACRE (COUNTY-WIDE AVERAGE).

Legend

- Existing Commercial Parcels
- Vacant & Potential Commercial Parcels
- Proposed Project Site
- 3 Mile Radius Market Boundary W/TAZ Numbers
- Primary Trade Area W/TAZ Numbers
- Major Roads



GIS MAPPING: BETH YANG, AICP
FILE: F:/GIS/DATA/REQUEST/FIVEYEAR/GMPA_CP_2007_5_POTENTIALSQFT.MXD