PLAN



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-2008-2, RANDALL BOULEVARD COMMERCIAL

SUBDISTRICT EXPANSION GROWTH MANAGEMENT

AMENDMENT [TRANSMITTAL HEARING]

Coordinator: Michele Mosca, AICP, Principal Planner

AGENT/APPLICANT/OWNERS

Agent:

Tim Hancock, AICP Davidson Engineering 3530 Kraft Road, Suite 301

Naples, FL 34105

and

Agent:

Bruce Anderson, Esq.

Roetzel and Andress Law Firm

850 Park Shore Drive Naples, FL 34103

Applicant:

Emergent Development Group, Inc.

933 Honeysuckle Grapevine, TX 76051

Owners:

Big Corkscrew Fire District Collier County Government Richard and Anna Eckstein Joseph and Alicia Cabal

Randall Land Trust Agreement, Lisa Aldikacti as Trustee Angela Iglesias Revocable Trust, Angela Iglesias as Trustee William M. Grant Revocable Trust, William M. Grant as Trustee

CAB of Collier County, Inc.

PAC of Collier, Inc. Urika Oil, Inc.

Emergent Development Group, Inc. Emergent Development Group II, LLC

(Refer to GMP amendment application for additional ownership information.)

GEOGRAPHIC LOCATION:

The subject project, containing ±56.5 acres is located on the south side of Randall Boulevard, extending from the Corkscrew Canal (western boundary) to 8th Street NE (eastern boundary), and including Tract 55, Unit 23 Golden Gate Estates, located on 24th Avenue NE, within Section 27, Township 48 South, Range 27 East. The existing Randall Boulevard Commercial Subdistrict contains 7.53 acres and the proposed expansion area comprises 48.97± acres. The proposed Subdistrict is within the Rural Estates Planning Community. (Refer to aerial and zoning maps below.)



(Highlighted Tracts Represent Entire Project Boundary)

- Division of Forestry Facility, including a fire tower (approved provisional use)
- Estates Residential Tracts
- Randall Blvd. Center PUD & Mir Mar PUD (Existing Randall Blvd. Commercial Subdistrict)
- Big Corkscrew Island Fire Control Fire Station (approved conditional/provisional use, W ½ of Tract 54 only)

REQUESTED ACTION:

The petitioner seeks to amend the Golden Gate Area Master Plan (GGAMP) text, Future Land Use Map and map series by:

- Amending the Estates Commercial District to expand and modify the Randall Boulevard Commercial Subdistrict; and
- 2. Amending the Future Land Use Map and the Randall Boulevard Commercial Subdistrict Map of the Future Land Use Map series to reflect the expansion of the Randall Boulevard Commercial Subdistrict boundaries.

The <u>petitioner's</u> proposed text changes, shown in strike-through/underline format, are as follows:

(Words <u>underlined</u> are added, words struck through are deleted; row of asterisks [***] denotes break in text.)

В	-	Est	ate	s — (Con	nme	ercia	al D	istr	ict													[Page 33]
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																							[Page 35]

- 3. Randall Boulevard Commercial Subdistrict It is the intent of this Subdistrict to provide commercial goods and services to the surrounding area. The Randall Boulevard Commercial Subdistrict has been designated on the Golden Gate Area Future Land Use Map. The Subdistrict is comprised of the following properties: Tracts 71, 72, 89, 90, 107, 108, 125, 126 and 127, Golden Gate Estates, Unit 23; and the East 165 feet of Tracts 54 & 55, Golden Gate Estates, Unit 23. See Map 14 the Randall Boulevard Commercial Subdistrict Map.
 - a) The Criteria for the subdistrict are as follows:
 - All commercial development is encouraged to be in the form of a PUD.
 - Projects directly abutting Estates zoned property shall provide, at a minimum, a 75-foot buffer of retained native vegetation in which no parking or water management uses are permitted; except that, when abutting conditional uses no such buffer is required. Tract 55 shall provide, at a minimum, a 50-foot buffer of retained native vegetation in which no water management uses are permitted on its eastern boundary. Tract 55 shall only be utilized for purposes of native preservation and water management areas.
 - Shared parking shall be required with adjoining developments whenever possible.
 - <u>b)</u> Limitation of Uses Uses shall be limited to the following:
 - Automobile Service Station;
 - Barber & Beauty Shops;
 - Convenience Stores:
 - Drug Stores;
 - Food Markets:
 - Hardware Stores:
 - Laundries Self Service Only:
 - Parks, Public or Private
 - Post Offices and Professional Offices;
 - Repair Shops Radio, TV, Small Appliances and Shoes;
 - Restaurants, including fast food restaurants but not drive-in restaurants
 - Shopping Center, as defined in the Land Development Code comprised of uses consistent with those identified in this section.
 - Veterinary Clinics with no outside kenneling.
 - Permitted and conditional uses allowed in the C-4 zoning district shall also be allowed except the for following:
 - Tire Dealers, Automotive Retail (Group 5531)
 - Automotive Parking (Group 7521)

- Communication Services (Group 4899)
- Drinking Places (Group 5813)
- Fishing Piers (Group7999)
- Glass and Glazing work (Group 1793)
- Health Services (Groups 8059-8069)
- Specialty Outpatient Facilities (Group 8093)
- <u>Houseboat Rental, Lakes Operations, Party and Pleasure Boat rental</u> (Group 7999)
- Large Appliance repair service (Group 7623)
- Marinas (group 4493 and 4499)
- Miscellaneous Repair Services (Groups 7622-7641, 7699)
- Liquor Store, unless operated by Grocery Retailer (Group 5921)
- <u>Used Merchandise Store (Group 5932)</u>
- Automatic Merchandising Machine Operators (Group 5962)
- Direct Selling Establishment (Group 5963)
- <u>Escort Services, Massage Parlors, Tattoo Parlors, Turkish Baths, Wedding Chapels (Group 7299)</u>
- Betting Information Services, Bath Houses, Billiard Parlors, Bookies and Bookmakers, Cable lifts, Carnival Operation, Circus Companies, Fortune Tellers, Go-cart racing operation, Off-track betting, Ping Pong Parlors, Rodeo Animal Rentals, Rodeos, Shooting Ranges, Trapshooting Facilities (Group 7999)
- Parole offices, Probation offices, Public welfare centers, refugee services, settlement houses (Group 8322)
- Tow-in parking lots (Groups 7514, 7515, 7521)
- Animal Specialty Services (Group 0752)

c) Site design and architectural treatments:

- All or part of Tracts 54, 71, 72, 89, 90, 107, 108, 125, 126 and 127 shall at time of zoning provide information and conceptual design materials indicating the style and general architectural design of buildings.
- The focus of proposed design elements shall be to capture the rural nature of the surrounding area in the features and design of the project where practicably possible.

PROJECT DESCRIPTION:

The petitioner is requesting approval to expand the Randall Boulevard Commercial Subdistrict by 48.97± acres and modify it to allow up to an additional 390,950 sq. ft. of commercial development (315,950 sq. ft. Shopping Center and 75,000 sq. ft. Office – Medical and General of the General Commercial (C-4) zoning district of the Collier County Land Development Code).

SURROUNDING LAND USE, ZONING AND FUTURE LAND USE DESIGNATION:

Subject Site:

• The subject project boundary includes the following Tracts within Unit 23, Golden Gate Estates. All tracts are zoned E, Estates, except Tracts 54 (east ½) and 74, which are zoned Planned Unit Development (Randall Blvd. Center and Mir Mar), and all are located within a

Special Treatment (Wellfield) Overlay (ST/W). Also, Tract 126 and the W½ of Tract 54 are each approved for an essential services provisional use.

Tract 54 (W 1/2): The subject site is developed with a fire station and is designated Estates – Mixed Use District, Residential Estates Subdistrict. The site is located on a principal arterial roadway - Immokalee Road. (Property is owned by the Big Corkscrew Island Fire Control)

Tract 54 (E 1/2): The subject site is developed with a shopping center (Mir Mar PUD) and is designated Estates — Commercial District, Randall Boulevard Commercial Subdistrict. The site is located on a rural minor collector roadway — Randall Boulevard.

Tract 71 (portion of): The subject site is undeveloped (Randall Blvd. Center PUD) and is designated Estates – Commercial District, Randall Boulevard Commercial Subdistrict. The site is located on Randall Boulevard.

Tract 71 (portion of): The subject site is developed with a gasoline and convenience store (Randall Blvd. Center PUD) and is designated Estates – Commercial District, Randall Boulevard Commercial Subdistrict. The site is located on Randall Boulevard.

Tract 72: The subject site is undeveloped and is designated Estates – Mixed Use District, Residential Estates Subdistrict. The site is located on Randall Boulevard.

Tract 89 (W 150 ft.): The subject site is undeveloped and is designated Estates – Mixed Use District, Residential Estates Subdistrict. The site is located on Randall Boulevard.

Tract 89 (E 180 ft.): The subject site is undeveloped and is designated Estates – Mixed Use District, Residential Estates Subdistrict. The site is located on Randall Boulevard.

Tract 90 (W 180 ft.): The subject site is undeveloped and is designated Estates – Mixed Use District, Residential Estates Subdistrict. The site is located on Randall Boulevard.

Tract 90 (E 150 ft.): The subject site is undeveloped and is designated Estates – Mixed Use District, Residential Estates Subdistrict. The site is located on Randall Boulevard.

Tract 107 (W 1/2): The subject site is undeveloped and is designated Estates – Mixed Use District, Residential Estates Subdistrict. The site is located on Randall Boulevard.

Tract 107 (E 1/2): The subject site is undeveloped and is designated Estates – Mixed Use District, Residential Estates Subdistrict. The site is located on Randall Boulevard.

Tract 108 (W 180 ft): The subject site is undeveloped and is designated Estates – Mixed Use District, Residential Estates Subdistrict. The site is located on Randall Boulevard.

Tract 108 (E 150 ft.): The subject site is undeveloped and is designated Estates – Mixed Use District, Residential Estates Subdistrict. The site is located on Randall Boulevard.

Tract 125: The subject site is undeveloped and is designated Estates – Mixed Use District, Residential Estates Subdistrict. The site is located on Randall Boulevard.

Tract 126: The subject site is developed with a Division of Forestry facility, including a fire tower, and is designated Estates – Mixed Use District, Residential Estates Subdistrict. The site is located on Randall Boulevard and a local roadway – 8th Street NE. (Property is owned by Collier County.)

Tract 127 (N 150 ft.): The subject site is developed with a single family home and is designated Estates – Mixed Use District, Residential Estates Subdistrict. The site is located on 8th Street NE.

Tract 127 (S 180 ft.): The subject site is undeveloped and is designated Estates – Mixed Use District, Residential Estates Subdistrict. The site is located on 8th Street NE.

Tract 55: The subject site is undeveloped and is designated Estates – Mixed Use District, Residential Estates Subdistrict. The site is located on a local roadway – 24th Avenue NE. (Property is owned by Big Corkscrew Island Fire Control.)

Surrounding Lands:

North: Immokalee Road, a 6-lane divided road, then scattered family dwellings on lands

zoned E, Estates and designated Estates (Mixed Use District, Residential Estates Subdistrict); and, Randall Boulevard, a 2-lane undivided collector road, then Orangetree PUD - commercial tract under development and developed single-family homes — all designated Agricultural/Rural (Rural Settlement Area District) on the GGAMP Future Land Use Map. [The site of petition CP-2007-2

lies 1 mile to the north.]

• South: Developed single-family homes and undeveloped tracts, zoned E, Estates and

designated Estates (Mixed Use District, Residential Estates Subdistrict) on the

GGAMP Future Land Use Map.

• East: Across 8th Street NE, a 2-lane undivided local road, undeveloped tracts; zoned E,

Estates; and designated Estates (Mixed Use District, Residential Estates

Subdistrict) on the GGAMP Future Land Use Map.

West: Across Corkscrew Canal, undeveloped tracts, zoned E, Estates and designated

Estates (Mixed Use District, Residential Estates Subdistrict) on the GGAMP Future Land Use Map. [The site of petition CP-2007-1 lies <1/2 mile to the west.]

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:

The proposed amendment would allow intense commercial development in an area of the County intended for low density residential development. An evaluation of the project site and surrounding area, commercial needs assessment, population growth in the area, development

impacts, infrastructure demands, and other considerations will be analyzed to determine the appropriateness of this proposed change.

Background and Considerations:

• Golden Gate Area Master Plan (GGAMP) - Goals, Objectives and Policies:

- Goal 3: Provide for basic commercial services for purposes of serving the rural needs of Golden Gate Estates residents, shortening vehicle trips, and preserving rural character.
- Goal 5: Future development within Golden Gate Estates will balance the desire by residents for urban amenities with the preservation of the area's rural character...

The above goals and their related objectives and policies found in the GGAMP demonstrate the community's desire to maintain the rural character of the Estates while providing for the basic commercial needs of its growing population. The proposed expansion and commercial intensification of the Randall Boulevard Commercial Subdistrict by 48.97+ acres with up to an additional 390,950 sq. ft. of commercial development of the General Commercial (C-4) zoning district, is not consistent with, or reflective of, the Estates residents' vision of the area as expressed in the Golden Gate Area Master Plan.

• Commercial opportunities within Golden Gate Estates:

In 1991, the Golden Gate Area Master Plan was adopted and incorporated into the county's Growth Management Plan. The Plan established locational criteria limiting commercial development in the Estates designation to the Estates Neighborhood Centers, site-specific commercial subdistricts, and already existing commercially zoned lands.

• Estates Neighborhood Centers:

The Estates Neighborhood Centers were established as a means to direct new commercial development to areas where traffic impacts could be readily accommodated. These Centers were originally located at Pine Ridge and C.R. 951, Golden Gate and Wilson Boulevards, Golden Gate and Everglades Boulevards, and Immokalee Road and Everglades Boulevard, along major roadways and distributed according to projected commercial demand in the Estates.

In 1992, the Board of County Commissioners denied a commercial rezone petition at the Golden Gate and Everglades Boulevard Neighborhood Center and directed staff to remove all Neighborhood Centers east of C.R. 951, stating the commercial centers were premature. Those centers were removed in 1993. In 1996, the Neighborhood Center concept was reevaluated as part of the Evaluation and Appraisal Report review process required by State Law. As a result, the neighborhood centers at Golden Gate and Wilson Boulevards and Immokalee Rd. and Everglades Boulevard were reinstated in 1997 as *future centers* on the GGAMP Future Land Use Map.

In 2002, the GGAMP Restudy Committee was formed by the Board of County Commissioners and authorized, in part, to study the commercial land use needs of the Golden Gate Estates community. County staff worked closely with the Committee and community to identify appropriate areas to locate new commercial development within the Estates. The Committee recommendations to the BCC included added provisions for the

expansion and creation of Neighborhood Centers within the Estates. The Board of County Commissioners subsequently adopted amendments to the GGAMP and Future Land Use Map and map series in 2003 to include the recommended expansions and new neighborhood centers (in effect, neighborhood centers were reestablished at their original locations but some were increased in size).

• Development patterns in the Neighborhood Centers east of Collier Boulevard:

Wilson Boulevard and Golden Gate Boulevard Center

NE quadrant:

Total size is approximately 8.45 acres – Partially DEVELOPED (Approximately 2.65 acres are developed with 8,113 sq. ft. of convenience commercial.)

NW quadrant:

Total size is approximately 4.98 acres – UNDEVELOPED (portion of Project Site) SE quadrant:

Total size is approximately 7.15 acres (5.00 acs. commercial & 2.15 acs. buffering and r-o-w) – Partially DEVELOPED (Wilson Boulevard Shopping Center – 41,800 sq. ft. of commercial development). Approximately 12,572 sq. ft. undeveloped commercial sq. ft. remaining – Liberty Gold LLC.

SW quadrant:

Total size is approximately 11.78 acres – Partially DEVELOPED (16,550 sq. ft. Walgreens store). Balance of quadrant added to Neighborhood Center via GMP amendment (CP-2005-2) approved in 2007, and rezoned for up to 60,000 sq. ft. of office, medical office and medical related uses.)

Everglades Boulevard and Golden Gate Boulevard Center

NE quadrant:

Total size is approximately 5.46 acres - UNDEVELOPED (Big Bear Plaza CPUD)

NW quadrant:

Total size is approximately 5.46 acres – UNDEVELOPED (pending rezone to Fakahatchee Plaza CPUD for C-1 thru C-3 uses)

SE quadrant:

Total size is approximately 5.46 acres - UNDEVELOPED

SW quadrant:

Total size is approximately 5.46 acres - UNDEVELOPED

Immokalee Rd. and Everglades Boulevard Center

SE quadrant:

Total size is approximately 9.20 acres – UNDEVELOPED (4.05 acres have been rezoned from E, Estates to Chestnut Place MPUD for C-1 thru C-3 uses – balance of PUD lies outside of Neighborhood Center and is approved for church)

SW quadrant:

Total size is approximately 5.15 acres- UNDEVELOPED (pending rezone to Singer Park CPUD for C-1 thru C-3 uses)

The potential and existing commercial sq. ft. within the Estates Neighborhood Centers located east of Collier Boulevard is 450,186 square feet, based on the CIGM and approved zoning. (It

should be noted that the CIGM uses a countywide average of 6,044 sq. ft. /ac. to determine potential commercial development.)

 Existing commercial acreage serving portions of the Estates, but not located within an Estates Neighborhood Center:

Randall Boulevard Commercial Subdistrict:

Approximately 7.53 acres are allocated for up to 41,000 sq. ft. of commercial development, located within Section 27, Township 48 South, Range 27 East. This Subdistrict acreage is included as part of this GMPA petition.

 Commercial development projected to serve portions of the Estates, but not located within an Estates Neighborhood Center:

Orange Tree PUD:

Approximately 22 acres within the Planned Unit Development are allocated for up to 60,000 square feet of commercial development, located in Sections 22 and 23, Township 48 South, Range 27 East. This PUD is located across Randall Blvd. from to the proposed project site (refer to map on page 10). (A petition to increase the commercial sq. ft. up to 332,000 sq. ft. in the PUD is pending.) [Approved for 2,100 dwelling units; pending petition to increase this to 3,350 dwelling units.]

Orange Blossom Ranch PUD:

Approximately 44 acres within the Planned Unit Development are allocated for up to 200,000 square feet of commercial development, located in Section 13, Township 48 South, Range 27 East. This PUD is located approximately 4.00 road miles from the proposed project site (refer to map on page 10). [Approved for 1,600 dwelling units.]

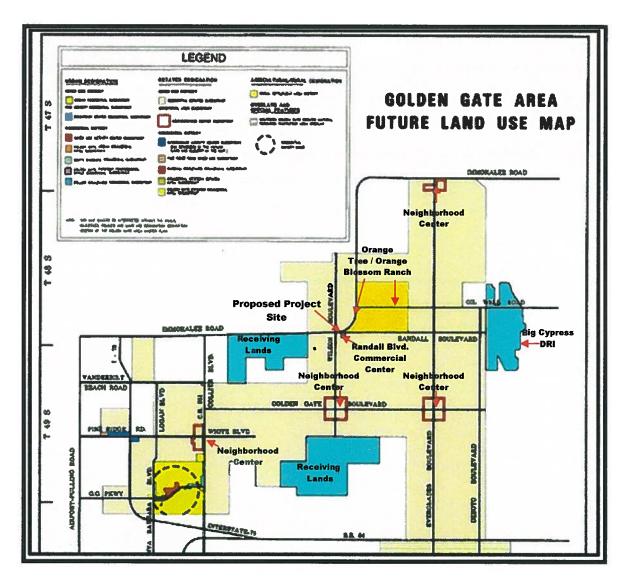
Big Cypress Development of Regional Impact (DRI)/Stewardship Receiving Area (SRA) - pending:

Approximately 564 acres within the DRI are allocated for up to 987,188 square feet of retail/service commercial and 664,395 square feet of office development (also includes approximately 494,080 sq. ft. light industrial), located in Sections 10, 14 and 27, Township 48 South, Range 28 East. This pending DRI is located approximately 5 miles from the proposed project site (refer to map on page 10). [Proposes 8,968 dwelling units.]

Rural Villages – potential (allowed):

Two Rural Villages ranging in size from 300 to 1,500-acres are permitted on the Receiving Lands west and south of the proposed project location (refer to map on page 10). A Rural Village development must include a Village Center and may also include several Neighborhood Centers. A 300+ acre (calculation doesn't include Greenbelt Area) Rural Village will yield a 30-acre Village Center with approximately 90,000 sq. ft. of commercial development. Neighborhood Centers within the same Rural Village may consist of a 1.50-acre Center with approximately 5,100-sq. ft. of commercial development. A 1,500-acre Rural Village will yield a 150-acre Village Center with approximately 450,000-sq. ft. of commercial development. Neighborhood

Centers within the same Rural Village may consist of 7.50 acres each with approximately 25,500-sq. ft. of commercial development within each center. The Receiving Lands range in distance from approximately 1.50 to 6 road miles from the proposed project site. [Density in Rural Village must be between 2-3 dwelling units/acre.]



Future commercial development outside of Golden Gate Estates - as part of Rural Village (allowed), SRA (pending) and PUD development (zoned) - will meet some of the projected commercial demand in the Estates area.

• Petitions in Vicinity

It should be noted there are five petitions for sites located east of Collier Blvd. 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 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 amendments 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
CP-2007-2	SW corner of CR846/33rd Ave. NE	10.28	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
CP-2007-3	south side of CR858, 1/4 mile west of	21.72	Create Mission Subdistrict to allow
0. 2007 0	Everglades Blvd.	21.72	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	40.62	Create a new Estates Shopping
	Blvds.		Center Subdistrict to allow up to 225,000 s.f of C-4 com'l uses, with
			exceptions, and select C-5
			commercial uses, with a requirement
			to provide a grocery store [portion of
			site (4.98 acs.) lies within existing
			Neighborhood Center and could yield
OD 0000 0			30,099 s.f. of com'l]
CP-2008-2	south side of CR846 & Randall	56.50	Expand and modify Randall Blvd Commercial Subdistrict to add
	Blvd., from canal east to 8th Street NE (inclusive of BCI Fire Station,		390,950 s.f. of C-4 com'l uses
}	existing Randall Blvd. Com'l		[zoning in existing Subdistrict
	Subdistrict, and DOF fire tower site).		allows 41,000 s.f. of com'l on 7.53
	,		acs.]
sum		134.29	769,450 s.f. of com'l [728,450 s.f. is
		[121.78	new]
		acres	
		are	
		new]	

Two of the five petitions proposed (CP-2008-1 & CP-2008-2) could be categorized as community serving in nature, providing a wider variety of goods and services and more intense land use activities than the others, which likely would provide convenience goods and services, consistent with existing commercial uses in the Estates Neighborhood Centers.

In total, the commercial square feet proposed by these five petitions, if approved, would add approximately 728,450 sq. ft. of commercial uses on approximately 121.78 acres. This figure, combined with the existing and potential commercial sq. ft. allowed in the Estates Neighborhood Centers (450,186 sq. ft.), existing Randall Boulevard Commercial Subdistrict (41,000), OrangeTree PUD (approved for 60,000, but expected to increase to 332,000 sq. ft. via a pending petition) and Orange Blossom Ranch PUD (200,000 sq. ft.), would total approximately 1,751,636 sq. ft. (This figure does not reflect the 987,188 sq. ft. in the pending Big Cypress DRI or future development of the Rural Fringe Mixed Use District, located proximate to the proposed GMPAs.)

Commercial Demand:

Comprehensive Planning staff reviewed and analyzed the petitioner's commercial demand data and analysis, the Collier Interactive Growth Model (CIGM), and other available data to estimate and project population within the defined Study area to determine the existing and potential commercial supply, supportable commercial square feet and demand. Additionally, staff analyzed the CIGM population estimates and projections and supportable commercial square feet for all Estates designated lands located east of Collier Boulevard and the Rural Settlement Area to determine the need for neighborhood and community serving commercial centers.

Staff began the analysis with the CIGM to obtain baseline population estimates and projections, and housing unit counts for the petitioner's defined market area. Staff examined the projected supportable commercial square feet generated from the resulting population (demand), and then compared those figures to the existing and potential commercial sq. ft. supply in the market area.

The Model projected that the population in the petitioner's Primary Trade Area (PTA) and combined PTA and Secondary Market Area (SMA) in 2010 will be approximately 16,707 and 27,903 people respectively, and the supportable *neighborhood* commercial square feet in the PTA and combined PTA/SMA will be 141,174 and 235,780 respectively; and, by year 2030 the population in the PTA and combined PTA/SMA will be approximately 30,989 and 52,812 respectively, and the estimated supportable *neighborhood* commercial square feet in the PTA and combined PTA/SMA will be approximately 261,857 and 446,261 respectively. Staff then examined the existing and potential *neighborhood* commercial supply and compared those figures with the supportable square feet figures generated from the population growth in the market area. Staff determined that the *neighborhood* commercial supply in the PTA and combined PTA/SMA of 346,410 (546,410 sq. ft. figure reduced by 200,000 – Orange Blossom Ranch) and 533,536 (733,536 sq. ft. figure reduced by 200,000 – Orange Blossom Ranch) respectively, will exceed what the market area can potentially support.

Additionally, the Model projected that the supportable *community* commercial square feet in the PTA and combined PTA/SMA will be 124,968 and 208,714 respectively in 2010; and, by year 2030 the projected supportable *community* commercial square feet in the PTA and combined PTA/SMA will be approximately 231,798 and 446,261 respectively. Staff identified approximately 200,000 sq. ft. of potential community serving commercial is located in the Orange Blossom PUD, located approximately 3+ miles from the proposed project site. Also, there is a petition pending to increase commercial sq. ft. up to 332,000 in the Orange Tree PUD, which is located proximate to the proposed project. The combined commercial sq. ft. in these two PUDs would provide a total of up to 532,000 sq. ft. of community serving commercial to the Estates and Rural Settlement Area residents.

The following is a complete analysis of this proposed GMPA based on the CIGM for all years, beginning with year 2007 through year 2030.

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 CIGM, staff has developed a commercial analysis for petition CP-2008-2 as follows (the 8 referenced maps are attached to this Staff Report):

Existing and Potential Commercial SQFT in the <u>Primary Market Area</u> (see Map 1 attached)

Within the petitioner's defined *Primary Trade Area* (PTA) there are 89,813 SQFT of *existing* commercial development and 456,597 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 546,410.

Existing and Potential Commercial SQFT in the <u>Secondary Market Area</u> Within the petitioner's defined <u>Secondary Market Area</u> (SMA) there is 0 SQFT of <u>existing</u> commercial development and 187,126 SQFT of <u>potential</u> commercial development (vacant land designated as commercial & vacant land zoned commercial). The total existing and potential commercial SQFT within the SMA is 187,126.

Total Existing and Potential Commercial SQFT within the <u>PTA and SMA</u> (see Map 5 attached:

The total existing and potential commercial SQFT within the PTA and SMA is 733,536.

Housing Units & Population (see Map 2, attached)
 Based on the CIGM, the total housing units and total population in the <u>PTA</u> are/will be: 2007 – 4,818 units and 14,376 persons; 2010 – 5,600 units and 16,707 persons; 2015 – 7,032 units and 20,654 persons; 2020 – 8,376 units and 24,531 persons; 2025 – 9,602 units and 28,030 persons; and, 2030 – 10,653 units and 30,989 persons.

Housing Units & Population

Based on the CIGM, the total housing units and total population in the \underline{SMA} are/will be: 2007 - 3,118 units and 9,717 persons; 2010 - 3,503 units and 11,196 persons; 2015 - 4,419 units and 13,780 persons; 2020 - 5,705 units and 16,840 persons; 2025 - 6,643 units and 19,456 persons; and, 2030 - 7,518 units and 21,823 persons.

Total Housing Units & Population within the <u>PTA and SMA</u> (see Map 6, *attached*) The total housing units and total population in the *PTA and SMA* are/will be: 2007 – 7,936 units and 24,093 persons; 2010 – 9,103 units and 27,903 persons; 2015 – 11,451 units and 34,434 persons; 2020 – 14,081 units and 41,371 persons; 2025 – 16,245 units and 47,486 persons; and, 2030 – 18,171 units and 52,812 persons.

Square Footage Demand for a Community Center within the PTA (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 - 14,376 persons yields demand for 107,533 square feet of commercial (7.48 SQ FT per capita); 2010 - 16,707 persons yields demand for 124,986 SQ FT; 2015 - 20,654 persons yields demand for 154,492 SQ FT; 2020 - 24,531 persons yields demand for 183,492 SQ FT; 2025 - 28,030 persons yields demand for 209,664 SQ FT; and, 2030 - 30,989 persons yields demand for 231,798 SQ FT. The existing and potential community commercial SQFT (Supply) within the PTA is 200,000. Based on the criteria established in the CIGM, demand for community commercial will not be generated by the population within the defined PTA until sometime between years 2025 and 2030. However, it should be noted that a petition for the Orangetree development to increase community commercial square feet to 332,000 is pending. If approved, demand for additional community serving sq. ft. would not be generated by the combined trade area population until sometime after year 2030. (It should be noted that the parcels located in OrangeTree are fragmented, and as such may only develop as neighborhood serving commercial.) Further, the addition of the requested GMPA sq. ft. of 390,950 may not likely be supported by the PTA population until well beyond year 2030.

Total Square Footage Demand for a Community Center within the combined <u>PTA & SMA</u> (see Map 7, **attached**)

The total existing/projected population within the PTA and SMA translates into an existing/ projected demand for commercial space within the combined trade areas as follows: 2007 - 24,093 persons yields demand for 180,216 square feet of commercial (7.48 SQ FT per capita); 2010 - 27,903 persons yields demand for 208,714 SQ FT; 2015 - 34,434 persons yields demand for 257,566 SQ FT; 2020 - 41,371 persons yields demand for 309,455 SQ FT; 2025 - 47,486 persons yields demand for 355,195 SQ FT; and, 2030 - 52,812 persons yields demand for 395,034 SQ FT. The existing and potential community commercial SQFT (Supply) within the PTA and SMA is 200,000. Based on the criteria established in the CIGM, demand for additional community commercial will be generated by the population within the combined PTA and SMA around year 2010. However, it should be noted that a petition for the Orangetree development to increase community commercial square feet to 332,000 is pending. If approved, demand for additional community serving sq. ft. would not be generated by the combined trade area population until sometime after year 2030. (It should be noted that the parcels located in OrangeTree are fragmented, and as such may only develop as neighborhood serving commercial.)

 Square Footage Demand for a Neighborhood Center within the <u>PTA</u> (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 – 14,376 persons yields demand for 121,477 square feet of commercial (8.45 SQFT per capita); 2010 – 16,707 persons yields demand for 141,174 SQ FT; 2015 – 20,654 persons yields demand for 174,526 SQ FT; 2020 – 24,531 persons yields demand for 207,287 SQ FT; 2025 – 28,030 persons yields demand for 236,854 SQ FT; and, 2030 – 30,989 persons in 2030 translate to 261,857 square feet demand for commercial space. The existing and potential commercial SQFT (Supply) within the PTA is 346,410; therefore, there will not be a need for additional neighborhood center commercial in this PTA until sometime after year 2030.

Total Square Footage Demand for a Neighborhood Center within the combined <u>PTA & SMA</u> (see Map 8, **attached**)

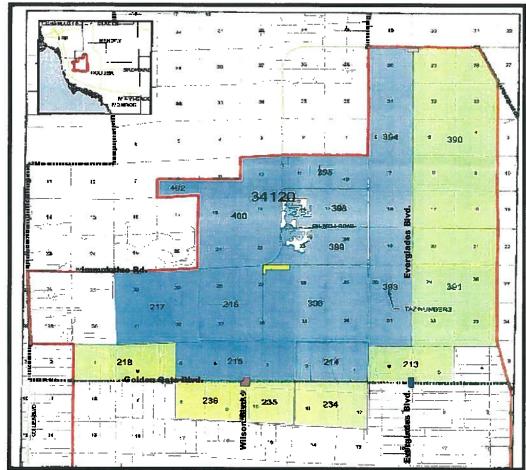
The total existing/projected population within the PTA and SMA translates into an existing/ projected demand for commercial space within the combined market areas as follows: 2007 – 24,093 persons yields demand for 203,586 square feet of commercial (8.45 SQFT per capita); 2010 – 27,903 persons yields demand for 235,780 SQ FT; 2015 – 34,434 persons yields demand for 290,967 SQ FT; 2020 – 41,371 persons yields demand for 349,585 SQ FT; 2025 – 47,486 persons yields demand for 401,257 SQ FT; and, 2030 – 52,812 persons translates to 446,261 square feet demand for commercial space. The existing and potential commercial SQFT (Supply) within the combined trade area is 533,536; therefore, there will not be a need for additional neighborhood center commercial in this combined trade area until sometime after year 2030.

[Data Sources: The CIGM analysis for this petition utilized: (1) the 2008 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.]

• Justification for the proposed amendment and commercial demand analysis, as provided by the petitioner (refer to Exhibit L):

The Commercial Needs Analysis was prepared by Fraser & Mohlke Associates, Inc. The Study evaluated and compared market conditions and population within Golden Gate Estates and within three separate Planning Communities — Corkscrew, Rural Estates and Urban Estates; evaluated and compared market conditions and population estimates and projections in Zip Code 34120; evaluated CIGM population estimates and projections and build-out housing unit counts; assessed the transportation network surrounding the proposed project site; and then applied similar market characteristics to the project's established Primary Trade Area (PTA) and Secondary Market Area (SMA) to determine commercial demand.

The Primary Trade Area (PTA) and Secondary Market Area (SMA) generally include much of the Estates designated areas located east of Collier Boulevard, extending north from Golden Gate Boulevard to Immokalee Road, and extending to the eastern boundary of the Estates designation, including the Rural Settlement Area (refer to map on page 16 [subject site is in yellow]).



PTA Traffic Analysis Zones (TAZ): 214 – 217, 393 – 396, 398 – 400, and 402 SMA Traffic Analysis Zones (TAZ): 213, 218, 234 – 236, 390, 391, and 397

The consultant's approach to analyzing supportable commercial square feet based on the data specific to the geographies studied, including but not limited to, population projections, per capita income, dwelling unit counts, retail expenditures, and sales data was deemed reasonable by staff. However, the Study contains outdated data and does not contain essential commercial supply data necessary to accurately evaluate the commercial demand. The absence of this data gives the appearance that certain geographic areas studied may be underserved by commercial land uses.

Specific to the project's PTA, the Study evaluates commercial demand based on CIGM population estimates (2007) and projections (2010 & 2015) for the area along with the application of market characteristics derived from similar geographies studied. However, the PTA analysis includes population projections for the entire market area, but does not include all existing and potential commercial supply, thereby overstating the area's commercial deficit.

The consultant's findings based on the CIGM population estimates and projections for the PTA and SMA are below.

The total population in the Primary Trade Area (PTA) is/will be: 2007 – 14,156 persons;
 2010 –16,409 persons; 2015 – 18,669 persons; and, build-out – 36,125 persons.
 (Dwelling units at build-out are estimated at 13,834 units.

- The total population in the Secondary Market Area (SMA) will be: 27,239 persons at build-out, based on the CIGM, or 27,874 persons, based on the 2005 Residential Build-Out Study prepared by the Collier County Comprehensive Planning Dept.
- The consultant estimated that by build-out the total population within the PTA (36,125 persons) and the SMA (27,239 persons) would support approximately 473,963 sq. ft. of community center commercial land uses, requiring a total of 54.40 acres.

(Note: the OrangeTree PUD, Orange Blossom Ranch PUD and other potential commercial sq. ft. figures and acreages were not included in the consultant's commercial inventory. Inclusion of these potential commercial sq. ft. figures results in an increase in net supply and a decrease in demand for the area.)

• Population Projections (CIGM); and, Neighborhood and Community Center supportable sq. ft. (CIGM) in Golden Gate Estates and the Rural Settlement Area:

The population in Golden Gate Estates (east of Collier Boulevard) and the Rural Settlement Area is projected to be: 35,136 persons in year 2010; 51,560 persons in year 2020; 65,217 persons in year 2030; and, 81,847 persons by build-out. (see Housing Units and Population Forecast map, *attached*)

Based on CIGM criteria, approximately 35,136 persons could support approximately 296,899 sq. ft. of neighborhood serving commercial and 262,817 sq. ft. of community serving commercial; 51,560 persons could support approximately 435,632 sq. ft. of neighborhood serving commercial and 385,669 sq. ft. of community serving commercial; 65,217 persons could support approximately 551,084 sq. ft. of neighborhood serving commercial and 487,823 sq. ft. of community serving commercial; and, 81,847 persons could support approximately 691,607 sq. ft. of neighborhood serving commercial and 612,216 sq. ft. of community serving commercial.

As noted in a previous section of this Report, the existing and potential supply of neighborhood serving commercial is approximately 551,186 sq. ft. and community serving commercial is approximately 200,000 sq. ft. (plus 332,000 sq. ft. potential in OrangeTree PUD). If the five proposed GMPAs east of Collier Blvd. are approved, the existing and potential supply of neighborhood serving commercial will increase to 636,686 sq. ft. and community serving commercial will increase to approximately 815,950 sq. ft. (plus 332,000 sq. ft. potential in OrangeTree PUD).

Based on the above analysis, it is evident that the existing and potential neighborhood serving commercial supply is sufficient to support the needs of the Estates/Rural Settlement Area for the immediate future to year 2030. Conversely, the data reveal that there is a deficit of community serving commercial sq. ft. beginning in year 2010 in the amount of 63,817 sq. ft. This deficit is projected to increase to 185,665 sq. ft. in year 2020; 287,823 sq. ft. by year 2030; and 412,216 sq. ft. by build-out.

(Note: Population in certain sections of the Estates designated lands, located within 2-miles east of Collier Boulevard, north and south of Golden Gate Blvd. and south of White Blvd. have been omitted from this analysis. This analysis assumes that most of the described population is/will be served primarily by commercial centers located along, or west of, Collier Blvd.)

(Note: This analysis does not consider intermodal splits which demonstrate peak hour of the trips with an urban destination in the morning. Shopping patterns related to that traffic to the urban area is not factored into the market analysis. As a result, 100% of commercial spending is assumed to be in the market area.)

• Site Assessment – General Comments:

Roadway:

The site is situated on Randall Blvd. and 8th Street NE. Randall Blvd. is expected to be widened in the future, initially to 4-lanes and then to 6-lanes.

Randall Blvd. Status: Randall Blvd. is identified in the 2030 Long Range Transportation Plan as a future 4-lane divided roadway. In the 2009 Annual Update and Inventory Report, no funds are allocated for right-of-way acquisition, design/engineering or construction. The easterly terminus of Randall Boulevard is at the eastern edge of Golden Gate Estates and the western edge of the Rural Lands Stewardship Area (RLSA). The pending Big Cypress DRI within the RLSA proposes access to Randall Boulevard (and Oil Well Rd. and 18th Avenue NE.)

Access:

Access to the proposed Subdistrict will be from Randall Blvd and 8th Street NE. The site is expected to include an internal roadway running through the entire property along the southern boundary.

Site Depth and Width:

The site is approximately 660 feet deep and the width of the property, from 8th Street NE to the Randall Blvd. Center PUD is approximately 2,650 feet (½ mile). However, the site's developable area and depth will be reduced to accommodate the Randall Blvd. road widening project (80 feet along property frontage) and 8th Street NE intersection improvements. Further, the southern portion of the property will be reduced by at least 75 feet to accommodate a landscape buffer adjacent to the residential areas.

Utilities:

The proposed project will be served by central water and sewer – OrangeTree or Collier County Utilities.

Adjacent Properties:

The properties south of the subject site are zoned E, Estates and designated Estates on the GGAMP Future Land Use Map; about half of the parcels contain single family dwellings. The developed single family residential neighborhood located across Randall Boulevard is zoned MPUD, OrangeTree PUD, and is characterized as urban development.

Rural Character Impact:

The proposed project will most likely alter the rural character of the area. Typically, the residents in the area can expect to experience increased noise, light/glare and traffic volumes at the site and around the surrounding area. It will be critical at time of rezoning, if the GMPA is approved, to address project uses, a unified theme of development, buffers, setbacks, heights, hours of operation, and noise and light mitigation in order to minimize resulting project impacts and to protect the rural character of the Estates area.

Environmental Impacts:

The environmental report prepared by Jeremy Sterk with Davidson Engineering and submitted with this petition, dated August 18, 2009, indicates the following:

- The project site includes one single family home; governmental and commercial facilities; dry herbaceous; palmetto prarie; pine flatwoods; cypress; and drained pine-cypresscabbage palm habitats with some level of exotic infestation; roadway; canal; and FPL easement. The soils found on site are hydric soils malabar fine sand and pineda fine sand, limestone substratum and non-hydric soils Immokalee fine sand and oldsmar fine sand.
- The listed species survey conducted on site concluded that there were listed species found utilizing the site, and there were signs of gopher tortoises. Non-listed species observed include various songbirds, black vulture, cattle egret, swallow-tailed kite, Eastern gray squirrel, nine-banded armadillo, and various reptiles. The protected plant species of wild pine and Florida butterfly orchids were found on the site. The site lies within secondary panther habitat and core foraging area for wood storks.

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

- No special environmental concerns are associated with the establishment of the Subdistrict on the subject site.
- Staff has not verified the provided Florida Land Use Cover & Forms Classification System (FLUCCS) mapping and does not approve it or the Environmental Impact Statement with this petition.
- 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).

Historical and Archeological Impacts:

• The Florida Master Site File lists no previously recorded archeological sites, one historic bridge and no standing structures within the project acreage. The Florida Dept. of State, Division of Historical Resources cautions the property owner that sites may contain unrecorded archaeological resources even if previously surveyed for cultural resources. Further, this site has not been identified on the County's Historical and Archeological Probability maps.

Traffic Impacts and GMP Consistency:

• Traffic Impacts:

Randall Boulevard Impacts

The first concurrency link that would be impacted by this project is Link 132, Randall Boulevard between Immokalee Road and Everglades Boulevard. The project would generate up to 477 PM peak hour, peak direction trips on this link, which represents a

53.00% impact. This concurrency link reflects a remaining capacity of 214 trips in the adopted 2008 AUIR and is at Level of Service "D". Network improvements and specific dedications have been proposed which mitigate the significant impacts on this link.

The second concurrency link on Randall that would be impacted by this project is Link 133, Randall Boulevard between Everglades Boulevard and Desoto Boulevard. The project would generate up to 318 PM peak hour, peak direction trips on this link, which represents a 35.33% impact. This concurrency link reflects a remaining capacity of 214 trips in the adopted 2008 AUIR and is at Level of Service "D". Network improvements and specific dedications have been proposed which mitigate the significant impacts on this link.

Immokalee Road Impacts

The first concurrency link on Immokalee Road that would be impacted by this project is Link 45, Immokalee Road between Wilson Boulevard and Oil Well Road. The project would generate up to 159 PM peak hour, peak direction trips on this link, which represents a 4.33% impact. This concurrency link reflects a remaining capacity of 1,761 trips in the adopted 2008 AUIR and is at Level of Service "B". Network improvements and specific dedications have been proposed which mitigate the significant impacts on this link.

The second concurrency link on Immokalee that would be impacted by this project is Link 46, Immokalee Road between Oil Well and SR-29 (in Immokalee). The project would generate up to 40 PM peak hour, peak direction trips on this link, which represents a 4.65% impact. This concurrency link reflects a remaining capacity of 518 trips in the adopted 2008 AUIR and is at Level of Service "C". Network improvements and specific dedications have been proposed which mitigate the significant impacts on this link.

Traveling West on Immokalee Road, the first concurrency link that would be impacted by this project is Link 44, Immokalee Road between Wilson and CR-951. The project would generate up to 124 PM peak hour, peak direction trips on this link, which represents a 3.27% impact. This concurrency link reflects a remaining capacity of 1,971 trips in the adopted 2008 AUIR and is at Level of Service "B". Network improvements and specific dedications have been proposed which mitigate the significant impacts on this link.

Oil Well Road Impacts

The first concurrency link on Oil Well Road that would be impacted by this project is Link 119, Oil Well Road between Immokalee Road Everglades Boulevard. The project would generate up to 119 PM peak hour, peak direction trips on this link, which represents a 11.78% impact. This concurrency link reflects a remaining capacity of 346 trips in the adopted 2008 AUIR and is at Level of Service "C". This link is presently let for construction bid and upon execution of the contract, will show additional available capacity for concurrency purposes. To be consistent with the Transportation Element of the GMP prior to the availability of this capacity, network improvements and specific dedications have been proposed which mitigate the significant impacts on this link.

Everglades Boulevard Impacts

The first concurrency link on Immokalee Road that would be impacted by this project is Link 135, Everglades Boulevard between Oil Well Road and Golden Gate Boulevard. The project would generate up to 31 PM peak hour, peak direction trips on this link, which represents a 3.44% impact. This concurrency link reflects a remaining capacity of 563 trips in the adopted 2008 AUIR and is at Level of Service "C". Network improvements and specific dedications have been proposed which mitigate the significant impacts on this link.

The second concurrency link on Everglades Boulevard that would be impacted by this project is Link 136, between Oil Well and Immokalee Road. The project would generate up to 40 PM peak hour, peak direction trips on this link, which represents a 4.44% impact. This concurrency link reflects a remaining capacity of 499 trips in the adopted 2008 AUIR and is at Level of Service "C". Network improvements and specific dedications have been proposed which mitigate the significant impacts on this link.

• Consistency with Policy 5.1 of the Transportation of the Growth Management Plan (GMP):

Transportation Planning staff has reviewed the petitioner's Traffic Impact Statement (TIS) and has determined that this project can be found consistent with Policy 5.1 of the Transportation Element of the Growth Management Plan, if the applicant provides adequate mitigation.

Specific mitigation has been proposed by the petitioner that will satisfy the requirements of Policy 5.1. The developer and County staff are working on the creation of a Developers Contribution Agreement that shall be approved prior to adoption of the Plan amendment. *Attached* to this Staff Report is a summary of "business points" and the *DRAFT* Developers Contribution Agreement.

Public Facilities Impacts:

• Water and Wastewater: 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 our current 2008 AUIR, the North East Plant project is anticipated 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.

<u>Potable Water Demand</u> - Proposed Uses: Office (25,000 sq. ft.) - 3,750 GPD; Medical Office (50,000 sq. ft.) - 5,440 GPD; and Shopping Center (315,950 sq. ft.) - 31,595 GPD.

<u>Potable Water Demand</u> – Existing Land Use Designation: 13 Residential Units – 3,900 GPD.

The net difference in demand for potable water is 36,885 GPD.

Sanitary Sewer Demand - Proposed Uses: Office (25,000 sq. ft.) - 3,750 GPD; Medical Office (50,000 sq. ft.) - 5,440 GPD; and Shopping Center (315,950 sq. ft.) - 31,595 GPD.

<u>Sanitary Sewer Demand</u> – Existing Land Use Designation: 13 Residential Units – 3,900 GPD.

The net difference in demand for sanitary sewer is 36,885 GPD.

- Solid Waste: The service provider is Collier County Solid Waste Management. The 2008 AUIR identifies that the County has sufficient landfill capacity up to the year 2031 for the required lined cell capacity. The project's change in land use from 13 residential units (127 lbs./day) to 75,000 sq. ft. of office (3,250 lbs./day) and 315,950 sq. ft. of shopping center uses (1,896 lbs./day) would permit an increase in daily trash generation of 5,019 lbs./day.
- Drainage: The subject property is located in Flood Zone D. Future development will be required to comply with the SFWMD and/or Collier County rules and regulations that assure controlled accommodation of storm water events by both on-site and off-site improvements.
- Schools, Libraries, Parks and Recreational Facilities: The application does not propose an increase in residential density; therefore, no additional demand for services is anticipated.
- EMS, Fire, Police and County Jail: The subject project is located within the Big Corkscrew Island Fire Control and Rescue District. The nearest fire station is located proximate to the subject site and sheriff substation and EMS services are located approximately two+ miles from the site. The proposed Subdistrict is anticipated to have minimal impacts on safety services and jail facilities.

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.

The petitioner has submitted the following data and analysis in support of the project's compliance with the new legislation.

"One key component repeated throughout the proposed strategies for compliance with HB 697 and the reduction of Green House Gases (GHG) is the reduction of vehicle miles traveled (VMT). VMT is identified by DCA Secretary Tom Pelham as a "key factor" in his report titled "The Role of Local Land Use and Transportation Planning in Reducing GHG".

The proposed project will add retail, office, medical and general commercial uses in an area of the county that has repeatedly been identified as being grossly underserved in retail services. Unlike more urban settings where strategies of proposing higher densities may contribute to reducing the average vehicle miles travelled, the rural residentially dominated Estates will not allow for higher densities. As a result, the most logical and reasonable method to reduce VMT is to locate necessary services where they are most easily accessible to residents in the Estates.

The proposed Land Use Change will bring 390,950 square feet of commercial retail and office space to the intersection of Randall Blvd. and Immokalee Road. With the exception of a few small scale retail businesses in the immediate area, the nearest shopping center lies 5.5 miles to the west of the subject site and 11 miles west of the eastern edge of the Estates. The nearest shopping center to the North lies 20 miles away in the Immokalee community, 12 miles by road north of the Northern edge of the Estates area.

The size of the proposed project will allow for a full range of retail convenience services that will substantially meet the needs of the surrounding community. This will result in a reduction of VMT ranging between 5 and 10 miles each way for many basic goods and services.

Secondly, the project will create jobs in a location where there are relatively few moderate and large scale employers outside of the Collier County Public School System. Locating businesses in the Estates will help shift the AM and PM peak hour traffic patterns on all County Roads in the area. While the project will create additional traffic on roads adjacent to the subject property, its primary impact to the road system will be to reduce trip lengths for Estates residents thereby improving capacity on these roads as well as contributing to a reduction in GHG in accordance with HB 697."

Staff has reviewed this petition for adequacy of data and analysis to demonstrate how it would reduce greenhouse gas emissions. Based upon the petitioner's information provided, staff is able to conclude that the project would likely reduce vehicle trips traveled by providing commercial and employment opportunities proximate to area residents. However, the analysis provided was not quantified in terms of trips captured by internal and external users.

NEIGHBORHOOD INFORMATION MEETING (NIM) NOTES:

The Neighborhood Information Meeting (NIM) was held on September 15, 2009, after the applicant/agent duly noticed and advertised the meeting, as required by the Collier County Land Development Code.

Approximately 21 people attended the NIM, held at Collier County University of Florida IFAS Extension Building, located at 14700 Immokalee Road, Naples, FL 34120.

The following is a synopsis of the meeting:

• The County staff planner gave a brief explanation of the GMPA process, including public hearing dates, and the petitioner presented the proposed project in its entirety.

Individuals spoke about the following:

- Traffic impacts and circulation discussion concerning site ingress and egress, signalization of intersections, and future improvements to Randall Boulevard and 8th Street NE.
- Commercial demand requests for grocery store use, discount stores, medical offices, etc.
- Project Impacts concerns about potential impacts to Valencia Lakes' residents (to the north) and Estates' residents located south of the project. Petitioner mentioned that a type "D" buffer would be provided adjacent to residential properties on southern boundary of project.
- Water and sewer availability. Petitioner stated project would likely be on central water and sewer; OrangeTree Utilities or Collier County Utilities.
- Project impacts concerns about lighting, drainage, height of buildings, noises, and buffering adjacent to residential homes.
- Project phasing schedule and schedule for Randall Boulevard widening and 8th Street NE improvements.

The meeting began at approximately 6:00 p.m. and concluded at approximately 8:15 p.m.

[Synopsis prepared by M. Mosca, Principal Planner]

FINDINGS AND CONCLUSIONS:

- The proposed site specific commercial amendment is a departure from the residents' established vision for Golden Gate Estates. Visioning requires public input and coordinated efforts to locate commercial centers where appropriate, considering project impacts, available infrastructure, growth trends, etc.
- The GGAMP limits new commercial projects in the Estates to uses generally found in the C-1 through C-3 zoning districts of the Collier County Land Development Code, which are intended to serve the basic shopping needs of area residents.
- Approval of the proposed Subdistrict circumvents the master planning process and limits public involvement.
- The proposed development will most likely alter the semi-rural characteristics of the Estates area. Additional noise, light, traffic and etc. can be expected at the site and the surrounding area.
- The intensity and scale of the proposed project is consistent with commercial intensities found in urban commercial centers.
- The CIGM identifies that in the project's Primary Trade Area (PTA) and the Secondary Market Area (SMA) there will be a demand for community commercial serving uses in 2010 of about 8,714 sq. ft., increasing to approximately 195,034 sq. ft. by 2030. [It should be noted that 225,000 sq. ft. of community commercial uses are proposed in petition GMPA-2008-1, which includes much of the same trade area as this petition.]
- The petitioner's market analysis identified that in the PTA and SMA approximately 473,963 sq. ft. of community center commercial land uses could be supported in the area by build-out. However, the analysis did not less out the already approved community commercial supply of 200,000 sq. ft. on 44 acres in the Orange Blossom Ranch PUD.
- The CIGM identifies a deficit of community commercial land uses in the Estates and Rural Settlement Area will exist in year 2010 in the amount of 63,817 sq. ft. and increase to 412,216 sq. ft. by build-out. However, this deficit does not take into account the potential commercial sq. ft. supply in the pending Big Cypress DRI petition, located approximately 6+ miles from the project site; the development is likely to provide commercial and employment opportunities to residents residing in the eastern areas of the Estates.
- No significant public facility impacts, except those related to the transportation network, are expected to occur as a result of the approval of this amendment.
- Approval of this request to add 390,950 square feet of commercial uses at the subject location may be deemed consistent with policy 5.1 of the Transportation Element of the Growth Management Plan, if the mitigation is approved by the Board of County Commissioners.
- The project consists of assembled properties that can accommodate community commercial uses. Staff is aware of no other assemblage in the Estates designated lands, except for

lands contained in the GMPA petition CP-2008-1, and one proximate to the Estates, Orange Blossom Ranch (200,000 sq. ft.).

- The project will be served by central water and sewer.
- The site has access to Randall Boulevard, a collector road that will eventually become a 4lane divided road.
- All development in this Subdistrict will be subject to the lighting requirements in Policy 5.1.1.

LEGAL CONSIDERATIONS:

This Staff Report has been reviewed by the County Attorney's office.

STAFF RECOMMENDATION: Staff recommends that the Collier County Planning Commission forward Petition CP-2008-2 to the Board of County Commissioners with a recommendation to not transmit to the Florida Department of Community Affairs.

However, should the CCPC choose to recommend transmittal, staff recommends the following revisions to the proposed subdistrict text, mostly to maintain consistency and harmony within the GGAMP, for proper format, use of code language, succinctness and clarity. (Note: single <u>underline</u> text is added, as proposed by petitioner; double <u>underline</u> text is added, double <u>strike through</u> text is deleted, as proposed by staff).

3. Randall Boulevard Commercial Subdistrict [Page 35]

The Randall Boulevard Commercial Subdistrict, containing approximately 56.5 acres, is located on the south side of Randall Boulevard and Immokalee Road (CR-846), extending from 8th Street NE west to the Corkscrew Canal. The This Subdistrict is comprised of the following properties: Tracts 54, 55, 71, 72, 89, 90, 107, 108, 125, 126 and 127, Golden Gate Estates, Unit 23; and the East 165 feet of Tracts 54 & 55, Golden Gate Estates, Unit 23. Recognizing the unique development pattern and characteristics of surrounding land uses, the This Randall Boulevard Commercial Subdistrict has been designated on the Golden Gate Area Future Land Use Map and the Randall Boulevard Commercial Subdistrict Map. See Map 14 the Randall Boulevard Commercial Subdistrict Map. It is the intent of this Subdistrict to provide commercial goods and services to the surrounding area. Development intensity in this Subdistrict shall not exceed 431,950 square feet of floor area.

All development in this Subdistrict shall comply with the following requirements and limitations:

a) The Criteria for the subdistrict are as follows:

- a. All commercial development is encouraged to be in the form of a PUD.
- <u>b.</u> Projects directly abutting Estates zoned property shall provide, at a minimum, a 75-foot <u>wide</u> buffer of retained native vegetation in which no parking or water management uses are permitted; except that, when abutting conditional uses no such buffer is required. <u>Tract-55 shall provide</u>, at a minimum, a 50-foot buffer of retained native vegetation in which no water management uses are permitted on its eastern boundary.
- <u>c.</u> Shared parking shall be required with adjoining developments whenever possible.

- <u>d.</u> Tract 55 shall only be utilized for purposes of native preservation and water management areas. <u>The eastern boundary of Tract 55 shall contain, at a minimum, a 50-foot wide retained native vegetation buffer.</u>
- e. Development intensity shall be limited to 390,950 square feet of floor area, of which no more than 315,950 square feet shall be retail development, on Tracts 72, 89, 90, 107, 108, 125, 126, 127, and the west one-half of Tract 54. Development intensity shall be limited to 20,000 square feet of floor area on the east one-half of Tract 54, and 21,000 square feet of floor area on Tract 71.

b) Limitation of Uses Uses shall be limited to the following:

- Automobile Service Station;
- Barber & Beauty Shops;
- Convenience Stores:
- Drug Stores;
- Food Markets;
- Hardware Stores:
- Laundries Self Service Only;
- Parke, Public or Private
- Post Offices and Professional Offices:
- · Repair Shops Radio, TV, Small Appliances and Shoes;
- Restaurants, including fast food restaurants but not drive in restaurants
- Shopping Center, as defined in the Land Development Code comprised of uses consistent with those identified in this section.
- Veterinary Clinics with no outside kenneling.
- f. Allowable uses shall be limited to all Permitted and conditional uses allowed in of the C-4. General Commercial, zoning district in the Collier County Land Development Code. Ordinance No. 04-41, as amended, shall also be allowed except that the fer following uses shall be prohibited:
 - Tire Dealers, Automotive Retail (Group 5531)
 - Automotive Parking (Group 7521)
 - Communication Services (Group 4899)
 - Drinking Places (Group 5813)
 - Fishing Piers (Group7999)
 - Glass and Glazing work (Group 1793)
 - Health Services (Groups 8059-8069)
 - Specialty Outpatient Facilities (Group 8093)
 - Houseboat Rental, Lakes Operations, Party and Pleasure Boat rental (Group 7999)
 - Large Appliance repair service (Group 7623)
 - Marinas (group 4493 and 4499)
 - Miscellaneous Repair Services (Groups 7622-7641, 7699)
 - Liquor Store, unless operated by Grocery Retailer (Group 5921)
 - Used Merchandise Store (Group 5932)
 - Automatic Merchandising Machine Operators (Group 5962)
 - Direct Selling Establishment (Group 5963)
 - <u>Escort Services, Massage Parlors, Tattoo Parlors, Turkish Baths, Wedding Chapels (Group 7299)</u>
 - Betting Information Services, Bath Houses, Billiard Parlors, Bookies and Bookmakers, Cable lifts, Carnival Operation, Circus Companies, Fortune Tellers,

- Go-cart racing operation, Off-track betting, Ping Pong Parlors, Rodeo Animal Rentals, Rodeos, Shooting Ranges, Trapshooting Facilities (Group 7999)
- Parole offices, Probation offices, Public welfare centers, refugee services, settlement houses (Group 8322)
- Tow-in parking lots (Groups 7514, 7515, 7521)
- Animal Specialty Services (Group 0752)

e) Site design and architectural treatments:

- All or part of Tracts 54, 71, 72, 89, 90, 107, 108, 125, 126 and 127 shall at time of zoning provide information and conceptual design materials indicating the style and general architectural design of buildings.
- The fecus of proposed design elements shall be to capture the rural nature of the surrounding area in the features and design of the project where practicably possible.
- g. No further development shall be allowed in this Subdistrict until the Big Corkscrew Island Fire Station and Florida Division of Forestry fire tower uses are permanently discontinued.
- h. [placeholder for Transportation mitigation requirements]

PREPARED BY:	
MICHELE MOSCA, AICP, PRINCIPAL PLANNER COMPREHENSIVE PLANNING DEPARTMENT	DATE: 9.30.09
REVIEWED BY:	
DAVID WEEKS, AICP, PLANNING MANAGER COMPREHENSIVE PLANNING DEPARTMENT	DATE: 9-30-09
REVIEWED BY:	
RANDALL COHEN, AICP, DIRECTOR COMPREHENSIVE PLANNING DEPARTMENT	DATE: <u>9-30-09</u>
APPROVED BY:	
JOSEPH K. SCHMITT, ADMINISTRATOR COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES DIVISION	DATE: <u>9/30/09</u>
COLLIER COUNTY PLANNING COMMISSION:	
MARK P. STRAIN, CHAIRMAN	
Petition No: CP-2008-2	

Staff Report for the October 19, 2009 CCPC Meeting

Note: This petition has been scheduled for the January 19, 2009, BCC Meeting.

28

SUMMARY OF PENDING DEVELOPER CONTRIBUTION AGREEMENT RELATED TO EXPANSION OF RANDALL BOULEVARD COMMERCIAL SUBDISTRICT, PET. NO. CP-2008-2

The DCA is between:

- Emergent Development Group II, LLC, "EDG" (on behalf of the Developer)
- The County (Real Property, Transportation and Forestry Division are impacted)
- Urika Oil, Inc. (the owner of the Gas Station and the 4 acres behind it)
- PAC of Collier, Inc. (the owner of the retail strip center)
- Big Corkscrew Island Fire District, "BCIFD"

The Parcels involved are:

- "EDG Parcel" the roughly 36 acres that make up the core development parcel that's being requested for addition to the Randall Blvd Commercial Subdistrict
- "County Parcel" 5.64 acre parcel where the Forestry Service currently resides
- "Swap Parcel" 5.64 acre parcel at SE corner of Randall Blvd & 8th St NE
- "Fire District Parcel A" 2.31 acre parcel where the BCIFD facilities reside
- "Fire District Parcel B" 5 acre parcel to the south of Fire District Parcel A
- "Urika Parcel" where the BP Gas station currently resides
- "PAC Parcel" where the retail strip center currently resides

The Randall Blvd widening will impact all of the landowners who are party to this Agreement. The Developer proposes to develop the EDG Parcel, Fire District Parcel B and the County Parcel as a commercial planned unit development (the "Proposed Development"). PAC of Collier, Inc. proposes to expand and develop the PAC Parcel by combining it with Fire District Parcel A, as a commercial planned unit development;

- The Developer will dedicate 80 feet of right away along the entire Randall Blvd frontage of the property. Total acreage + 6.06 acres.
- The Developer will exchange the Swap Parcel with the Fire District Parcel B + a cash equivalent due to the difference in acreage (based on tax assessed value).
- The Developer will exchange the Fire District Parcel B for the County Parcel + a cash equivalent due to the difference in acreage (based on tax assessed value).
- The Developer will purchase, for cash, based on tax assessed value, the Fire District Parcel B, and then donate it to the County to provide for water management from the widened roadway and the Proposed Development (in exchange for access to the fill from the future lake / pond).

- The Developer will provide for a local access route to assist the Urika and PAC Parcels, who agree to construct their own piece to connect the roadways accordingly. The design of these local access routes will be done cooperatively between all parties.
- The Developer will agree to relocate the Forestry Service Building to the Swap Site and pay to entitle and construct their portion of the Swap Parcel to receive them (pending a maximum cost). The timing of this commitment is also critical, and is being negotiated and contemplated to ensure minimum downtime for the Forestry Service.
- PAC will agree to buy the Fire District Parcel A, and relocate the Fire Station Building to the Swap Site and pay to entitle and construct their portion of the Swap Parcel to receive them (pending a maximum cost). Same issue on timing. In addition, PAC will agree to lease (for a duration of time still being negotiated) to the BCIFD their existing Admin Building, until they can accommodate that function elsewhere (the contemplated DeSoto Boulevard Site, most likely).
- The BCIFD will lease to the Forestry Service roughly the south half of the Swap Parcel. The Term is being negotiated, but will be inexpensive and lengthy in duration, and approved by Forestry and Emergency Services Division within the County.
- The Developer agrees to design and construct water/sewer lines (if available) to the eastern edge of the Proposed Development to make service available to the Swap Parcel. We'll also agree to extend water/sewer lines to the western edge of the Proposed Development, so this same service can be tapped into by both Urika and PAC.
- If and when signals are warranted, it shall be the responsibility of the Developer to pay for any and all design, material, installation, operation, and maintenance costs of the signals. Currently, the County desires the signal to be placed at 8th Street NE and Randall, which is consistent with the currently adopted Access Management ordinance and the Transportation Long Range Plan.

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DEVELOPER CONTRIBUTION AGREEMENT EMERGENT DEVELOPMENT

THIS AGREEMENT ("Agreement") is made and entered into this _____ day of ______ 2009, by and between Emergent Development Group II, LLC, a Florida limited liability company hereinafter referred to as "Developer," whose address is 3055 Terramar Drive, Naples, FL 34119, pursuant to the authorization set forth in the Agreement & Restrictive document filed with GMP Amendment petition and The Board of County Commissioners of Collier County, Florida, as the governing body of Collier County, hereinafter referred to as "County" and Urika Oil, Inc, a Florida corporation, hereinafter referred to as "PAC"; Big Corkscrew Island Fire District, hereinafter referred to as "Fire District".

RECITALS:

WHEREAS, Developer has legal control over of approximately 36.0 acres of property in unincorporated Collier County, Florida, (the "EDG Parcels") on which a commercial planned unit development is proposed in combination with other lands referenced herein; and

WHEREAS, County owns ± 5.64 acre parcel in unincorporated Collier County (the "County Parcel") of which is leased to the State of Florida, Division of Forestry Service; and

WHEREAS, Fire District owns in unincorporated Collier County one ± 2.31 acre parcel on which is located a firehouse, administration building and a communication tower ("Fire District Parcel A") and owns another ± 5 acre unimproved parcel ("Fire District Parcel B") which abuts the southern boundary of Fire District Parcel A (collectively the "Fire District Parcels"); and

WHEREAS, Developer also has or will have control over \pm 5.64 acre parcel in unincorporated Collier County which is currently unimproved (the "Swap Parcel") and which is proposed to be exchanged for the Fire District Parcel; and

WHEREAS, Urika Oil, Inc. owns and operates a service station and convenience store at the intersection of Randall Boulevard and Immokalee Road (the "Urika Parcel"), and

WHEREAS, PAC of Collier, Inc. owns and operates a shopping center on a parcel (the "Shopping Center Parcel") located between the Urika Parcel and the Fire District Parcel; and

WHEREAS, County will be widening and reconstructing and realigning the intersection of Randall Boulevard and Immokalee Road in connection with the widening (the "Road Project"); and

WHEREAS, the Road project will require the County to acquire lands from the EDG Parcels, the Urika Parcel, the Shopping Center Parcel, the Fire District Parcel, and the County Parcel which will negatively impact the size, location and types of uses which exist or which may be allowed on these parcels; and

WHEREAS, the impacts to the County Parcel will require the County to relocate the facilities of the Division of Forestry Services to other property; and

WHEREAS, the Road Project will require changes to the existing access from Randall Boulevard to the Urika Parcel and the Shopping Center Parcel; and

WHEREAS, the County would otherwise incur obligations to compensate the owners of the various parcels for lands needed for the Road Project; and

WHEREAS, Developer proposes to develop the EDG Parcels, Fire District Parcel B and the County Parcel as a commercial planned unit development (the "Proposed Development"); and

WHEREAS, PAC of Collier, Inc. proposes to expand and develop the Shopping Center Parcel by combining it with Fire District Parcel A, as a commercial planned unit development (the "Proposed Development B"); and

WHEREAS, Developer has filed an application with the County to amend the County Growth Management Plan for the Golden Gate Area Master Plan (the "GMP") to add the Proposed Development parcels to the GMP's existing Randall Boulevard Commercial Subdistrict which presently consists of only the Urika Parcel and the Shopping Center Parcel; and

WHEREAS, the Developer will also be filing an application with the County to rezone the Proposed Development parcels from their current zoning classification of Estates to Commercial Planned Unit Development; and

WHEREAS, this Agreement is structured to insure that adequate public facilities are available to serve the Proposed Development concurrent with when the impacts of the Proposed Development occur on the public facilities, and specifically to insure that transportation facilities needed to serve this Proposed Development shall be in place or under actual construction within three (3) years after the County approves a building permit or its functional equivalent that results in traffic generation; and

WHEREAS, the parties have agreed to certain terms and conditions set forth below; and

WHEREAS, after reasoned consideration by the Board of County Commissioners, the Board finds that the terms and conditions set forth below are in conformity with contemplated improvements and additions to the County's transportation network, and are consistent with both the public interest and with the County's comprehensive plan, and other regulations pertaining to development.

WITNESSETH:

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration exchanged amongst the parties, and in consideration of the covenants contained herein, the parties agree as follows:

1. All of the above RECITALS are true and correct and are hereby expressly incorporated herein by reference as if set forth fully below.

County Transportation Division Commitments:

- 2. The Developer will dedicate 80 feet of right away (50 ft within the existing utility easement + 30 ft additional) along the entire Randall Blvd frontage of the property. Total acreage \pm 6.06 acres.
- 3. The Developer will acquire from the Fire District the Fire District Parcel B thru an exchange of the Swap Parcel, plus a cash equivalent equal to the tax assessed value as of the date of this Agreement, of the .64 acre difference between the parcels. Then the Developer will exchange the ±5 acre Fire District Parcel B with the County owned 5.64 acre County Parcel, plus a cash equivalent equal to the tax assessed value as of the date of this Agreement, of the .64 acre difference between the parcels. Finally, the Developer will purchase, for cash, based on tax

assessed values at the time of the execution of this Agreement, the Fire District Parcel B, and then donate it to the County to provide for water management from the widened roadway and the Proposed Development. The Developer shall construct the water management improvements to a size sufficient to accept and treat _____ CFS of water management from the Proposed Development in addition to roadway. All materials excavated from Fire District Parcel B are the property of the Developer for use as fill on the Proposed Development site.

- 4. The Developer will provide for a local access route thru the Proposed Development that will assist in accommodating traffic movements through the Urika Parcel and the Shopping Center Parcel. This will eliminate a likely financial obligation by the County to the owners of the Urika and Shopping Center Parcels, for the detrimental effect the Road Project would have on their local access in the absence of this agreement and construction of the Proposed Development. The design of these access points will be a joint effort between the County Transportation Department, their Road Project engineering consultant, the Developer and the owners of the Urika and Shopping Center Parcels. Developer shall grant Urika and PAC an easement for ingress and egress, and utilities. Total acreage = ± .5 acre.
- 5. The Developer, per the terms below, will agree to relocate the Forestry Service facility to the Swap Site eliminating a financial obligation of the County to facilitate this forced relocation.
- 6. The Owners of the Urika and Shopping Center Parcels agree to provide local access roadways thru their existing sites, consistent with the County's drafted transportation designs that are jointly created with the County.

- 7. The County shall reserve capacity within its transportation system for 390,950 SF, 315,950 for retail and remaining 75,000 SF for office for the Proposed Development. The dedications and other improvements and contributions by the Developer satisfy all on-site and off-site mitigation and fair share requirements for the Proposed Development, including compensating rights-of-way for turn lanes.
- 8. Access to the Proposed Development, the Urika and Shopping Center Parcels will be master planned through the County and its consultant, with input from the Developer.
 - 9. The costs of all traffic signalization shall be borne solely by the County.

County Emergency Management Services Department Commitments.

- 10. The Developer has entered into an option purchase agreement with the owner of the Swap Parcel, a \pm 5.64 acre site on the SE corner of Randall Blvd and 8th St NE, parcel # 37801360006. Pending the approval of this Agreement, and pending the rezoning approval for the Proposed Development, the Developer will agree to exercise this option purchase agreement, and will then swap ownership of this parcel with the Fire District, in exchange for ownership of Fire District Parcel B, plus a cash equivalent equal to the tax assessed value as of the date of this Agreement, of the .64 acre difference between the parcels.
- 11. In addition, the Developer agrees to provide at its sole cost and expense both financial and professional support up to a maximum of _____ dollars for the preparation, design, entitlement and development of the Swap Parcel to receive relocation of the Forestry Service facility (see below for details).

- 12. In addition, PAC agrees to provide at its sole cost and expense both financial and professional support up to a maximum of ______ dollars for preparation, design, entitlement and development of the Swap Parcel to received the relocation of the existing Fire District facility, or an equivalent value in cash, at the Fire District's discretion (see below for details).
- 13. The Fire District agrees to lease to the Forestry Service the south half of the Swap Parcel. The term of the lease shall be for a period of 99 years and the lease payment shall be the same per year as currently exist between the Forestry Service and the County, or less if agreed to by the Fire District, County, and the Forestry Service.
- 14. The Developer agrees to relocate the existing Forestry Service facility to the Swap Parcel at Developer's sole cost.
- 15. In the event that the Planned Unit Development rezoning of the Proposed Project is not approved to include all of the uses and building square foot requested in Petition CP-2008-2, Developer may terminate this Agreement and if so terminated all parties to this Agreement shall be held harmless and relieved of any and all liability with respect to any and all of the rights and obligations of this Agreement.

Big Corkscrew Island Fire District Commitments

16. PAC agrees to acquire the existing Fire District Parcel A with an address of 13240 Immokalee Rd, parcel # 37744080003, for the tax assessed value of the land only. PAC shall lease back to the Fire District the District's existing administration building located on the back portion of Fire District Parcel A. Said lease shall be for a period of _____ years at a cost of _____ dollars (\$_____.00) per year. The Fire District shall at its sole cost and expense maintain

and insure the administration building and the portion of Fire District Parcel A leased to the Fire District.

- 17. It is anticipated that the Fire District will then swap the ±5 acre Fire District Parcel B with the Swap Parcel. The .64 acre difference in the two parcels will be accommodate for by the exchange of cash in equal value to the .64 acres based on assessed value as of the date of this Agreement.
- 18. PAC agrees to provide both financial and professional support for the preparation, design, entitlement, and development of the Swap Parcel to receive the existing Fire District facility, or an equivalent value in cash, at the Fire District's discretion.
- 19. The Developer and PAC agree to work directly with the Fire District, the County and the Forestry Service to design the site plan for the Swap Parcel.
- 20. The Developer agrees to design and construct water/sewer lines to the eastern edge of the Proposed Development to make service available to the Swap Parcel.

General Provisions

- 21. The construction of private and public infrastructure improvements, and relocation of the Forestry Service facility and the Fire Station facility shall occur in the following sequence prior to commencement of construction of the Road Project:
 - A. Developer at its sole cost and expense shall obtain permits and construct parking and on-site water management areas and building pads for the relocation of the Forestry Service facility and the Fire District facility on the Swap Parcel;

- B. Developer shall relocate the Forestry Service facility to the Swap Parcel, and PAC will relocate the Fire District facility to the Swap Parcel, with both facilities relocated and fully operational, and with the completion of site grading, construction of the parking areas and building pads, no later than sixty (60) days prior to the planned commencement of any construction on the Randall Boulevard widening.
- C. Developer shall take no more than five (5) business days to relocate the Forestry Service facility so that operation of the facility can resume thereafter; however if relocation of the Forestry Service facility takes longer than five (5) days, Developer shall provide temporarily an operating facility acceptable to the County and Forestry Service until the facility has been relocated.
- D. PAC shall take no more than ten (10) business days to relocate the Fire District facility so that operation of the facility can resume thereafter; however if relocation of the Fire District facility takes longer than ten (10) days, PAC shall provide temporarily a facility acceptable to the County and Fire District until the facility has been relocated.
- E. The County shall obtain permits at its sole cost and expense for the water management facilities to be located on the Fire District Parcel B and Developer at its sole cost and expense shall excavate and construct the on-site water management facilities on Fire District Parcel B.
- F. Urika shall obtain permits, construct and maintain at its sole cost and expense, a sixty (60) foot wide private local access road open to the public and water

management facilities. The local access road shall be constructed in the approximate location depicted in Exhibit _____. The water management on the Urika Parcel shall be designed and construed: to accommodate utilities and to accept and treat water management from the access road and convey water management from the Road Project and the improved EDG Parcels/Proposed Development to the Fire District Parcel B. Urika shall grant easements for ingress and egress, utilities, and water management to Developer and County and PAC in compliance with the terms of the immediately preceding sentence.

- G. PAC shall obtain permits, construct and maintain at its sole cost and expense, a sixty (60) foot wide private local access road open to the public and water management facilities. The local access road shall be constructed in the approximate location depicted in Exhibit _____. The water management on the PAC Parcel shall be designed and constructed: to accommodate utilities and to accept and treat water management from the access road and convey water management from the Road Project and the improved EDG Parcels/Proposed Development to the Fire District Parcel B. PAC shall grant easements for ingress and egress, utilities, and water management to Developer and County and Urika in compliance with the terms of the immediately preceding sentence.
- 22. The burdens of this Agreement (including the option to purchase), shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement, including any Property Swaps.

- 23. Developer acknowledges that the failure of this Agreement to address any permit, condition, term or restriction shall not relieve either the applicant or owner, or their successors or assigns, of the necessity of complying with any law, ordinance, rule or regulation governing said permitting requirements, conditions, terms or restrictions.
- 24. In the event state or federal laws are enacted after the execution of this Agreement, which are applicable to and preclude in whole or in part the parties' compliance with the terms of this Agreement, then in such event this Agreement shall be modified or revoked as is necessary to comply with such laws, in a manner which best reflects the intent of this Agreement. This Agreement shall not be construed or characterized as a development agreement under the Florida Local Government Development Agreement Act.
- 25. All parties shall execute this Agreement prior to it being submitted for approval by the Board of County Commissioners. This Agreement shall be recorded by the County in the Official Records of Collier County, Florida, within fourteen (14) days after the County enters into this Agreement. County shall pay all costs of recording this Agreement. A copy of the recorded document will be provided to all parties upon request.
- 26. This Agreement shall be governed by and construed under the laws of the State of Florida. The parties shall attempt in good faith to resolve any dispute concerning this Agreement through negotiation between authorized representatives. If these efforts are not successful, and there remains a dispute under this Agreement, the parties shall first use the County's then current Alternative Dispute Resolution Procedure. Following the conclusion of this procedure, either party may then file an action in the Circuit Court of Collier County, which shall be the exclusive venue with respect to any disputes arising out of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their appropriate officials, as of the date first above written.

	ATTEST:	BOARD OF COUNTY COMMISSIONERS
	DWIGHT E. BROCK, Clerk	COLLIER COUNTY, FLORIDA
	By:	By:
April C	, Deputy Clerk	Donna Fiala, Chairman
Control Control		
	Approved as to form and legal sufficiency:	
	Jeffrey A. Klatkow, County Attorney	

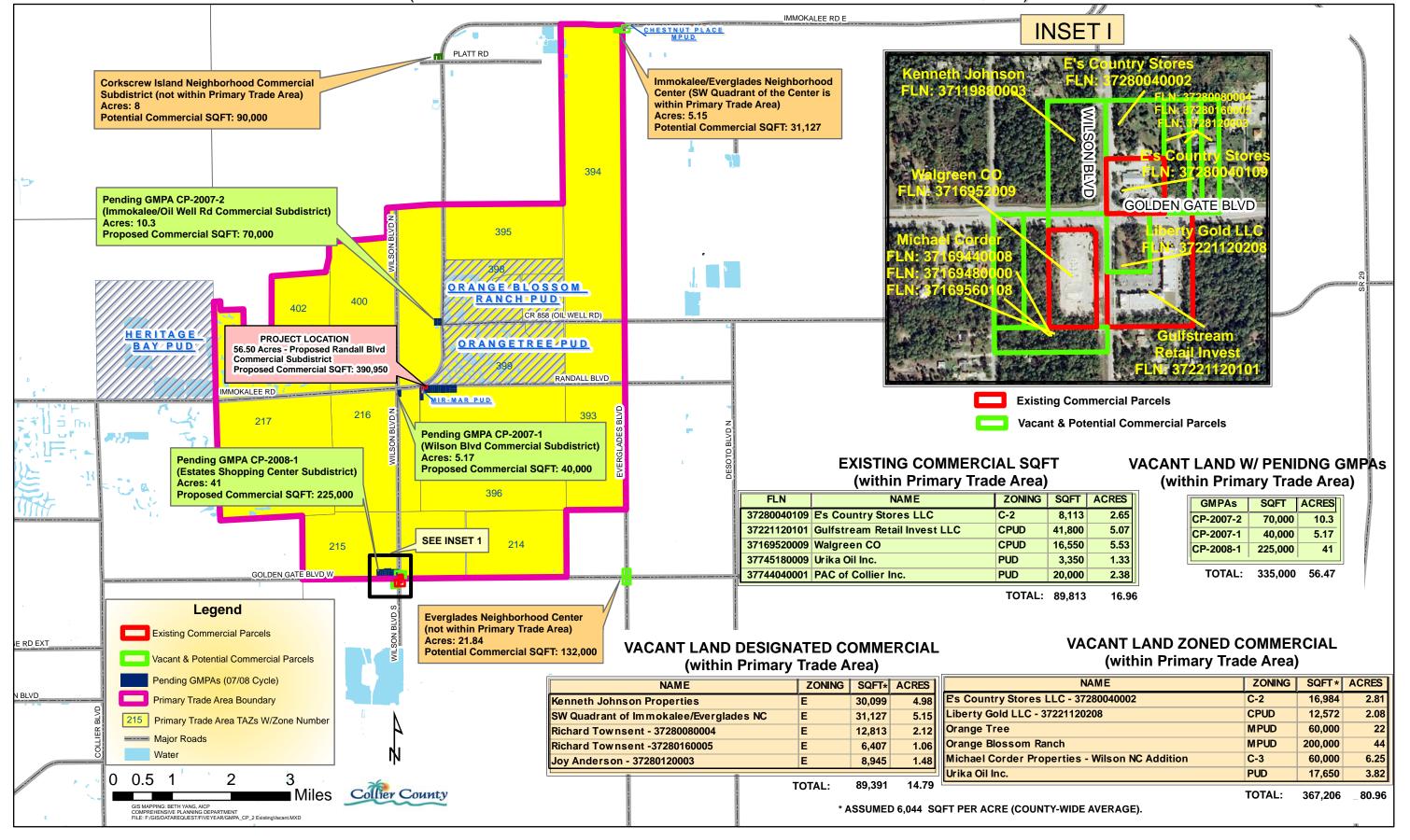
SCHEDULE OF EXHIBITS

5

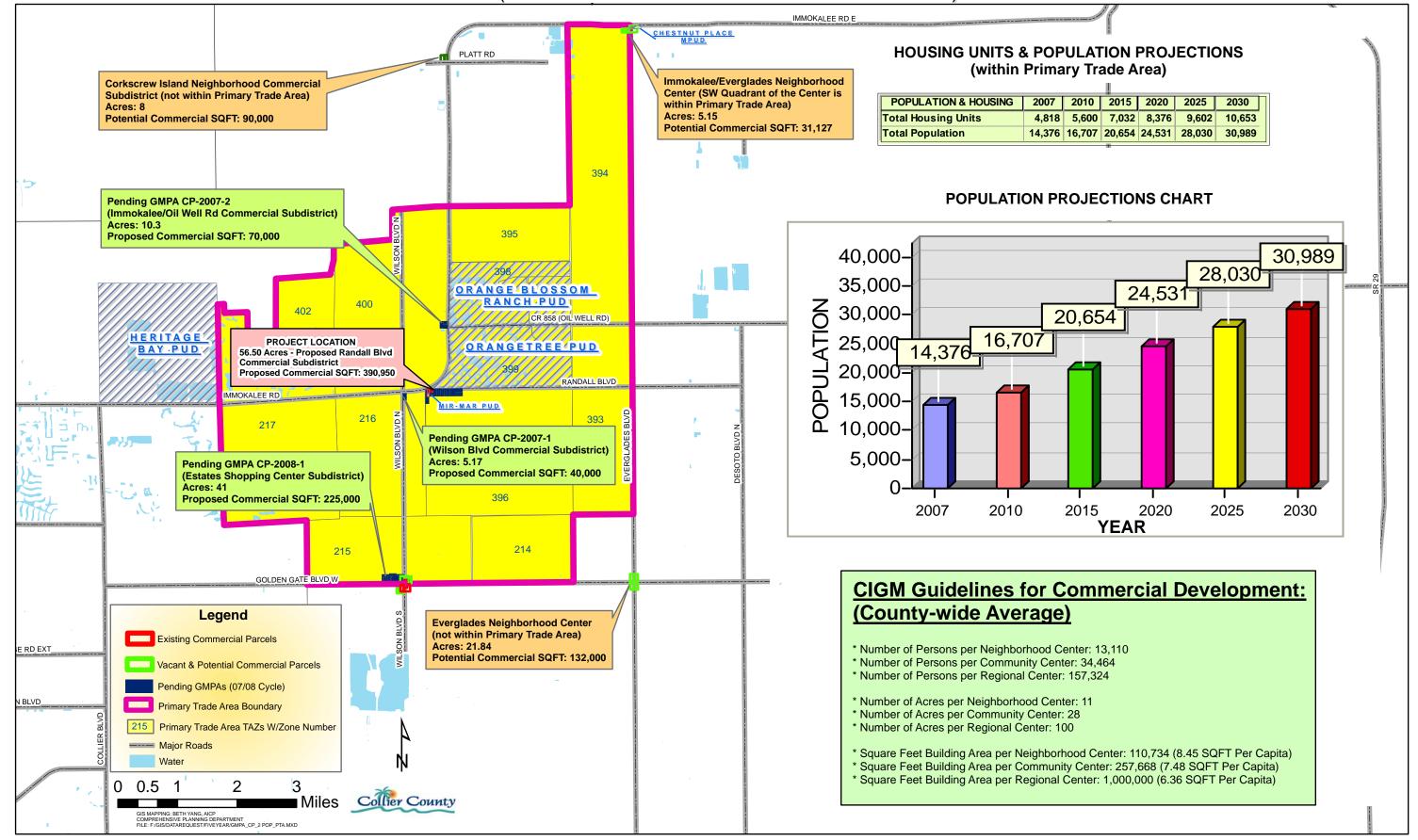
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COMMERCIAL ANALYSIS FOR GMPA CP-2008-2 USING INTERACTIVE GROWTH MODEL (EXISTING & POTENTIAL COMMERCIAL SQFT)

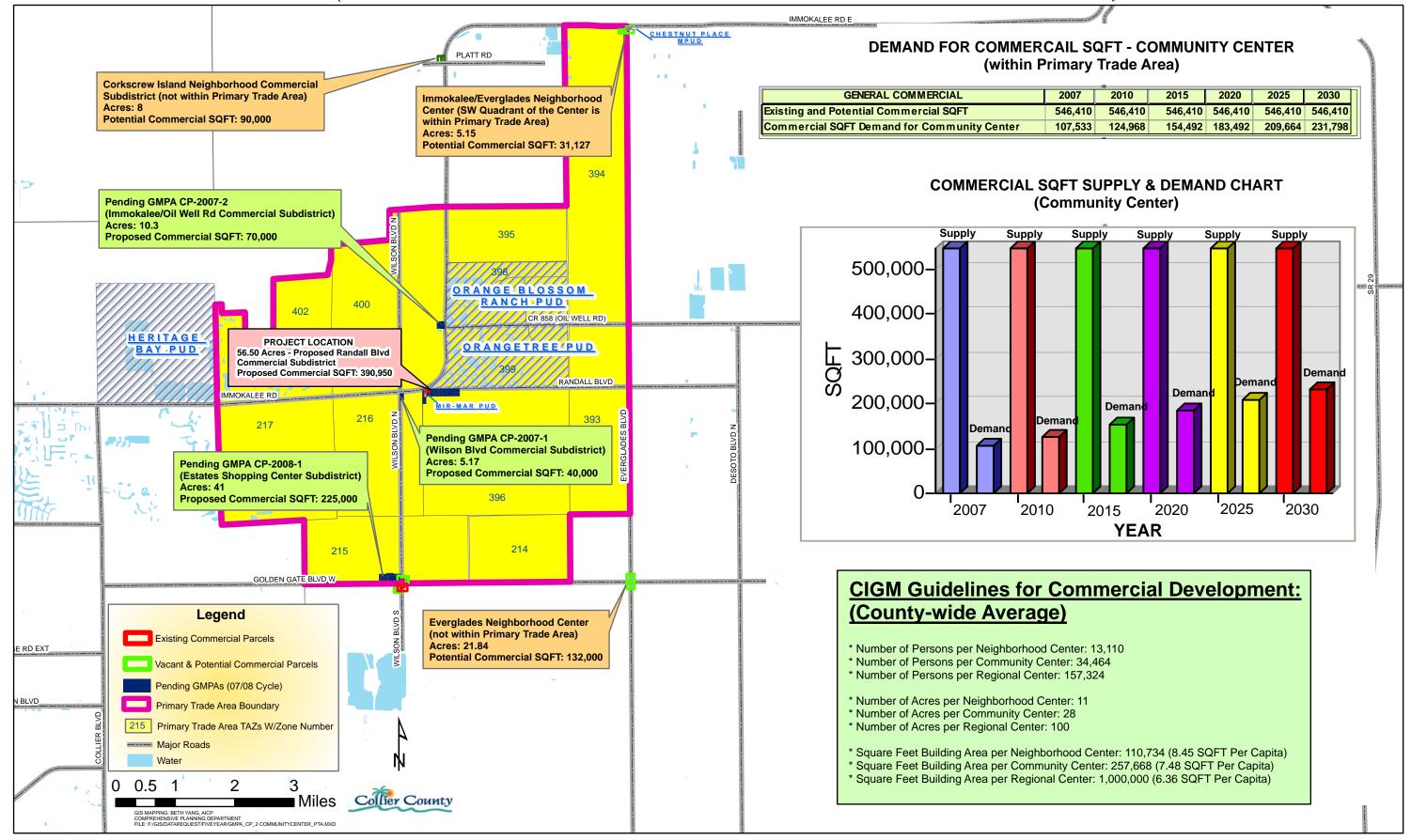
ATTACHMENT: MAP 1



COMMERCIAL ANALYSIS FOR GMPA CP-2008-2 USING INTERACTIVE GROWTH MODEL (HOUSING UNITS & POPULATION)

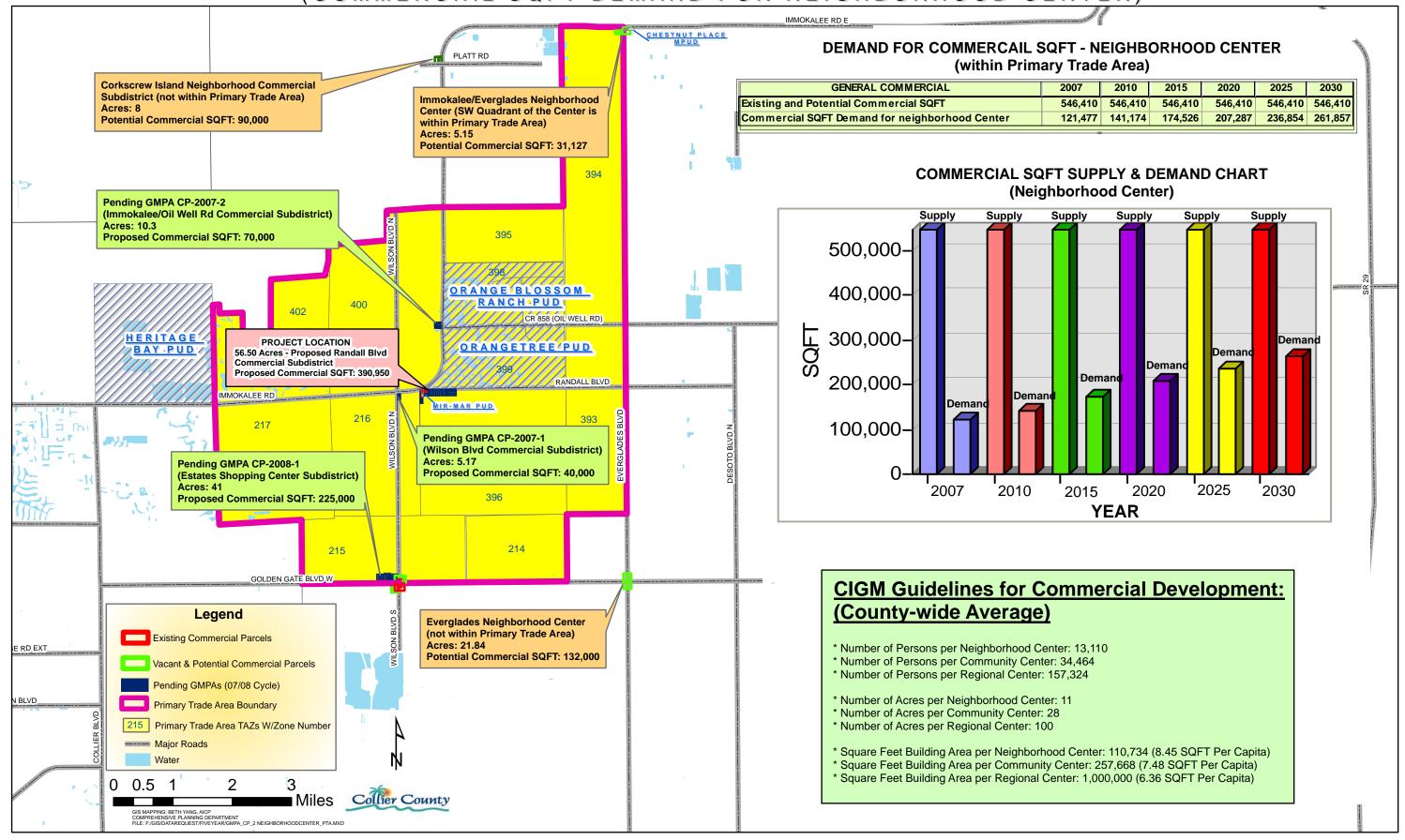


COMMERCIAL ANALYSIS FOR GMPA CP-2008-2 USING INTERACTIVE GROWTH MODEL (COMMERCIAL SQFT DEMAND FOR COMMUNITY CENTER)



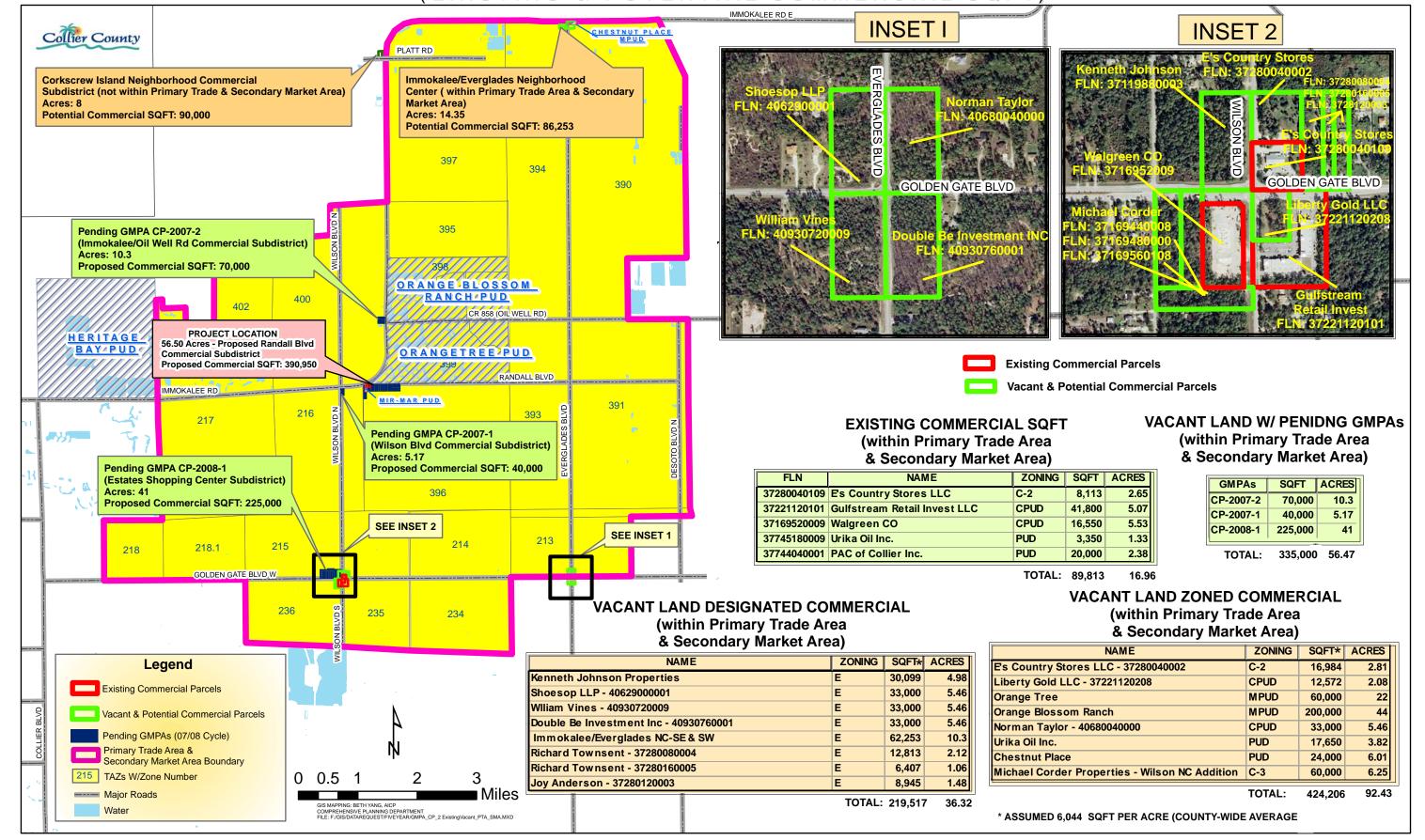
COMMERCIAL ANALYSIS FOR GMPA CP-2008-2 USING INTERACTIVE GROWTH MODEL (COMMERCIAL SQFT DEMAND FOR NEIGHBORHOOD CENTER)



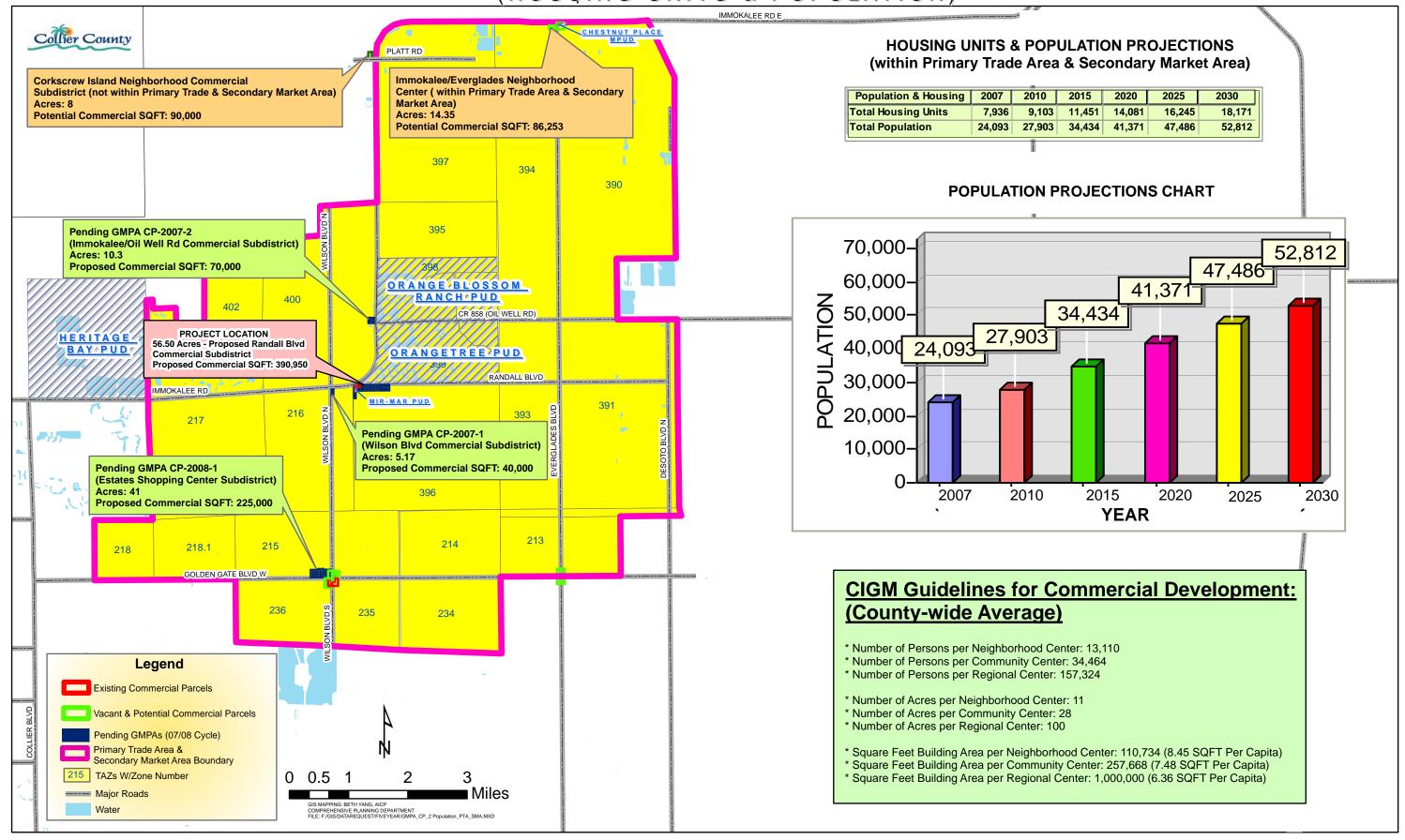


COMMERCIAL ANALYSIS FOR GMPA CP-2008-2 USING INTERACTIVE GROWTH MODEL (EXISTING & POTENTIAL COMMERCIAL SQFT)

ATTACHMENT: MAP 5

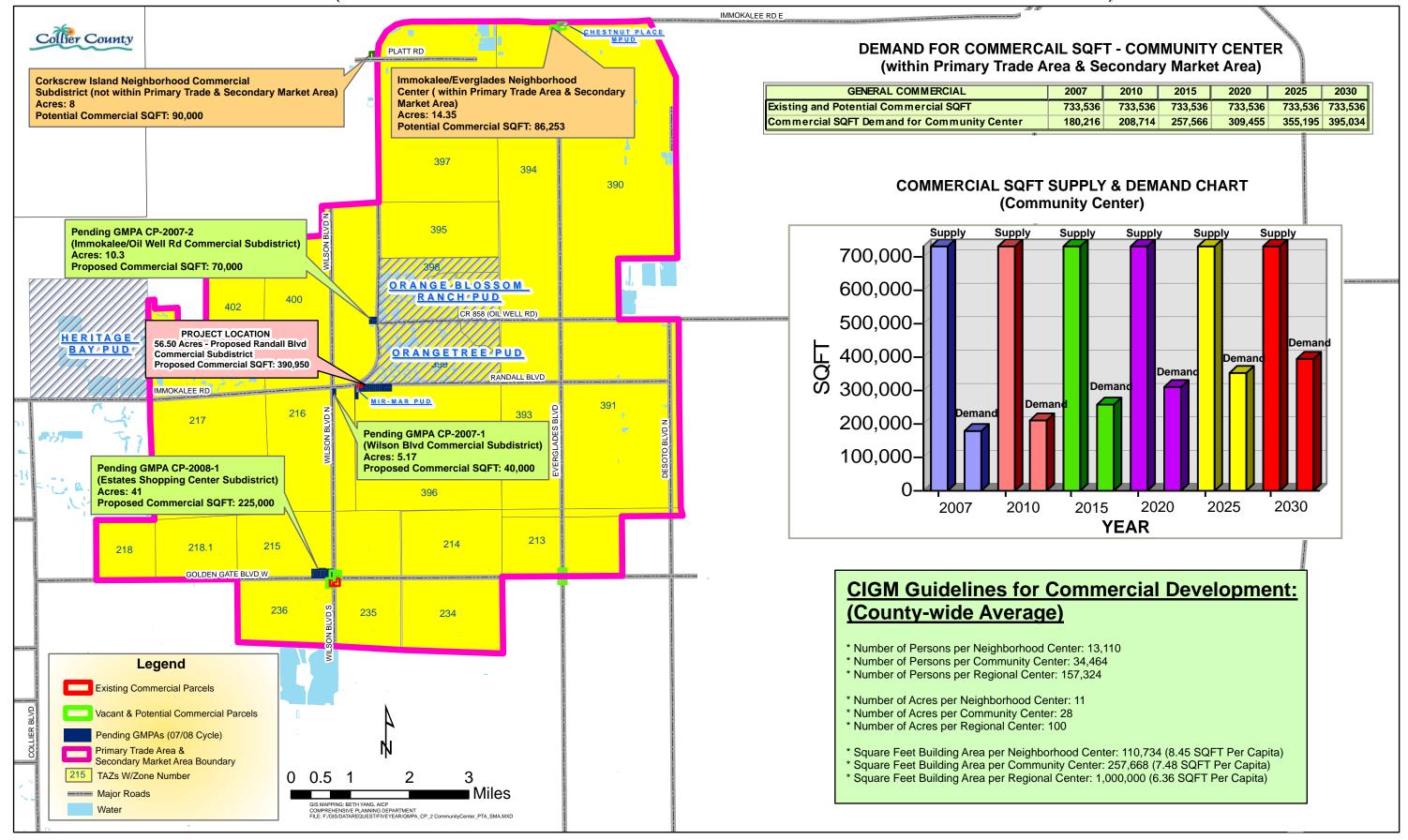


COMMERCIAL ANALYSIS FOR GMPA CP-2008-2 USING INTERACTIVE GROWTH MODEL (HOUSING UNITS & POPULATION)

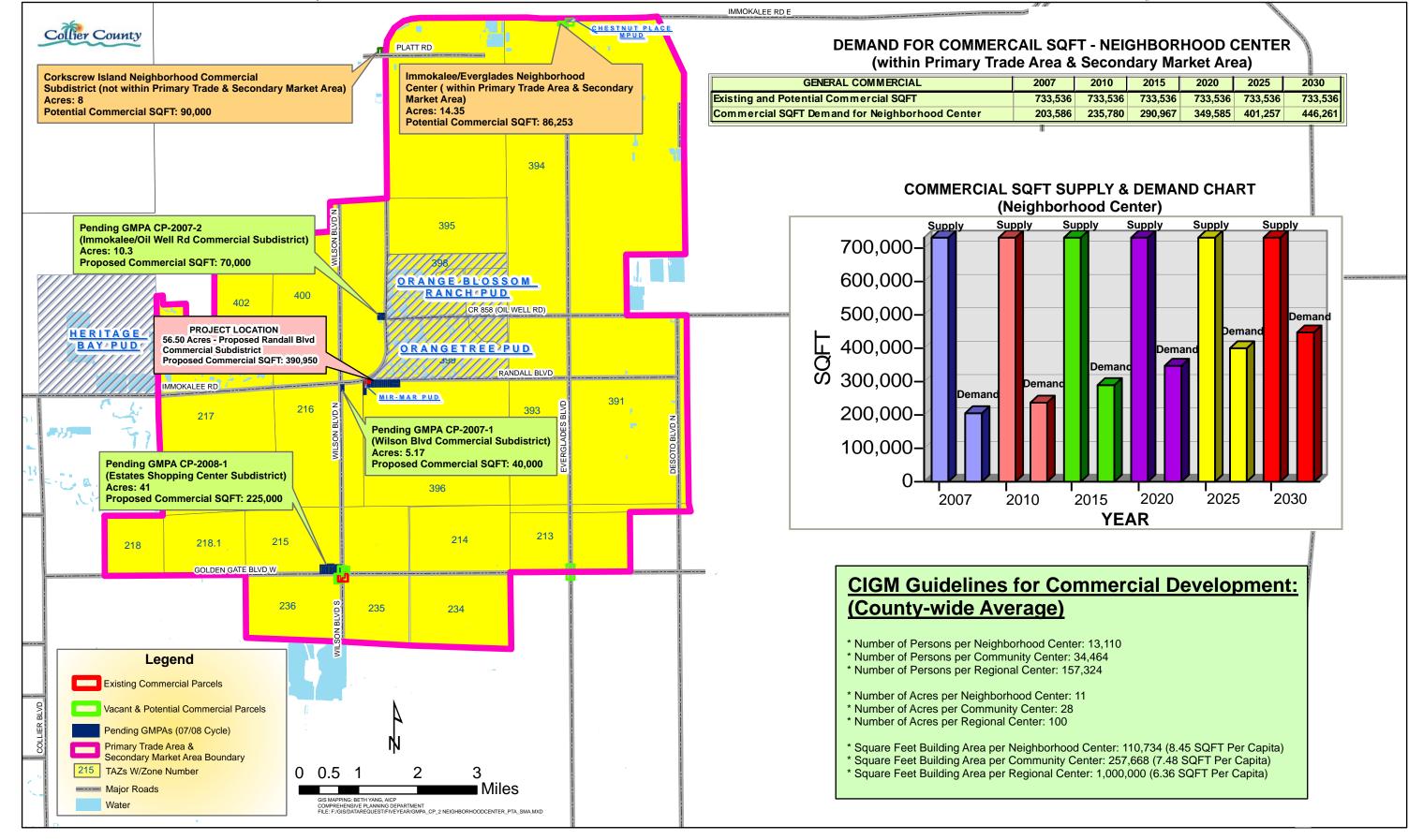


COMMERCIAL ANALYSIS FOR GMPA CP-2008-2 USING INTERACTIVE GROWTH MODEL (COMMERCIAL SQFT DEMAND FOR COMMUNITY CENTER)

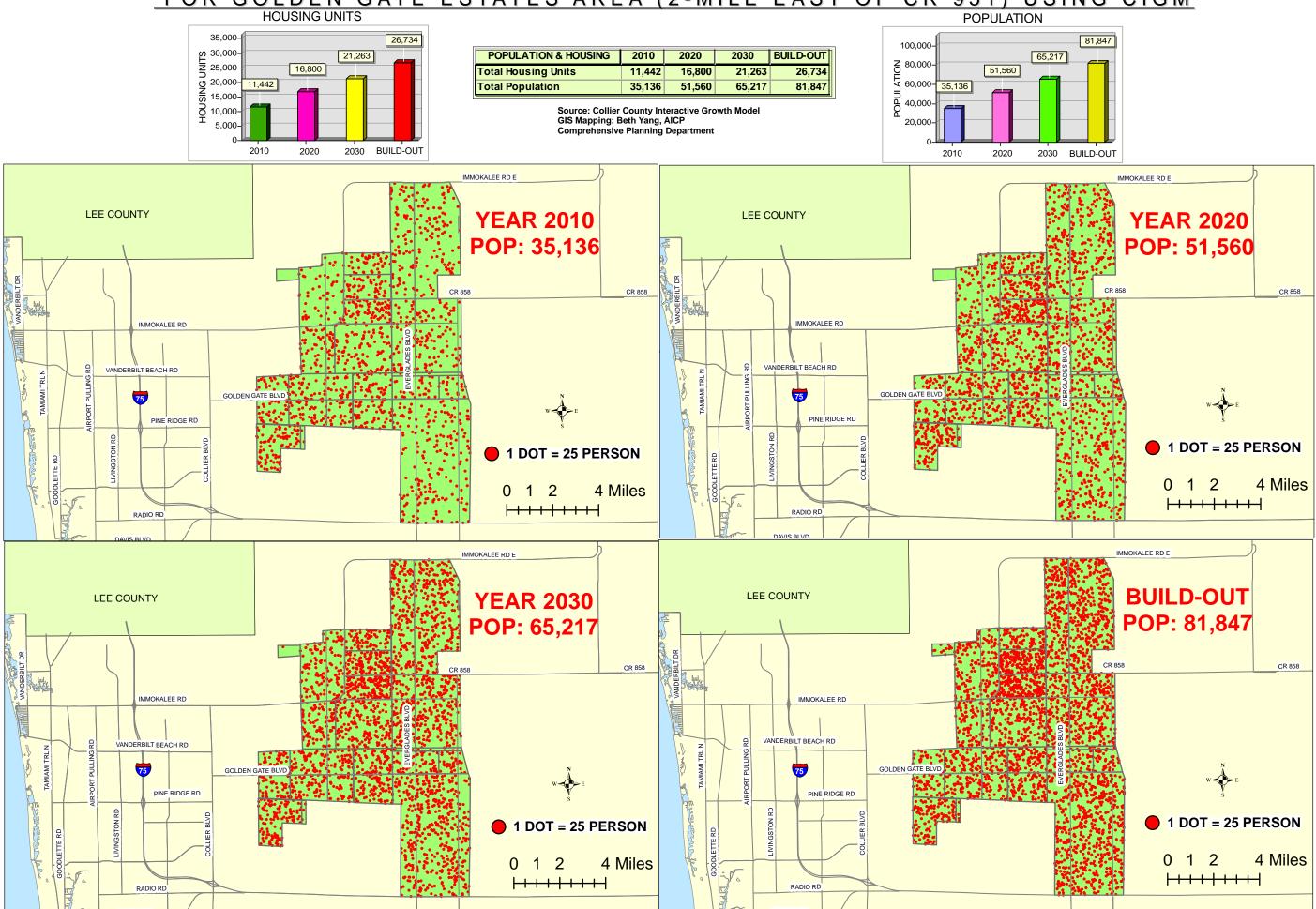




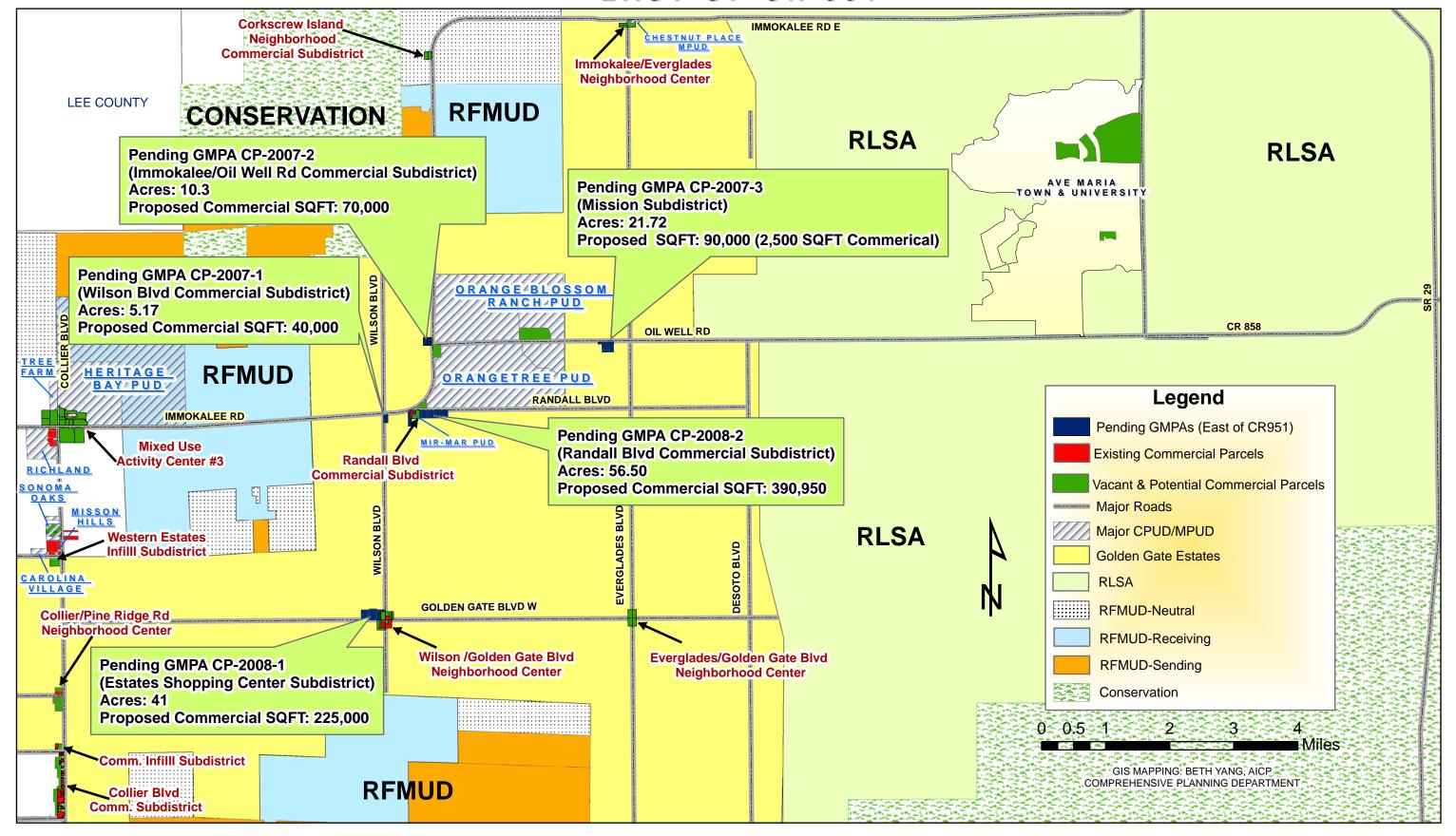
COMMERCIAL ANALYSIS FOR GMPA CP-2008-2 USING INTERACTIVE GROWTH MODEL (COMMERCIAL SQFT DEMAND FOR NEIGHBORHOOD CENTER)



HOUSING UNITS AND POPULATION FORECAST FOR GOLDEN GATE ESTATES AREA (2-MILE EAST OF CR 951) USING CIGM HOUSING UNITS



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



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

