



**STAFF REPORT
COLLIER COUNTY PLANNING COMMISSION**

TO: COLLIER COUNTY PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES DIVISION
COMPREHENSIVE PLANNING DEPARTMENT

HEARING DATE: OCTOBER 19, 2009

RE: PETITION NO. CP-2008-4; RURAL FRINGE MIXED USE DISTRICT
SENDING LANDS RE-DESIGNATION TO NEUTRAL LANDS
GROWTH MANAGEMENT PLAN AMENDMENT
[TRANSMITTAL HEARING]
Coordinator: Corby Schmidt, AICP, Principal Planner

AGENT/APPLICANT/OWNER:

Agent: Dwight Nadeau, of RWA, Inc.
6610 Willow Park Drive
Naples, Florida 34109

Applicants and Owners:
John and Teresa Fillmore, of Fillmore, LLC
2250 Washburn Avenue
Naples, Florida 34117

GEOGRAPHIC LOCATION:

The subject property contains 28.7 acres located south and east of Washburn Avenue, and east of the Naples Landfill. The property has approximately 1,029 feet of frontage on an east-west segment of Washburn Avenue and approximately 1,217 feet of frontage on a meandering, north-south segment of Washburn Avenue. The property lies within the Rural Estates Planning Community, in Section 31, Township 49 South, Range 27 East, Collier County, Florida. (See aerial and zoning maps below)



REQUESTED ACTION:

This petition requests amendment to the Future Land Use Element, Future Land Use Map and Map Series (FLUE/FLUM), particularly the North Belle Meade Overlay Map, of the Collier County Growth Management Plan to re-designate the subject property from Rural Fringe Mixed Use District Sending Lands to Neutral Lands. Changes to FLUE are proposed for Overlays and Special Features provisions, as follows:

V. OVERLAYS AND SPECIAL FEATURES

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B. North Belle Meade Overlay

4. SENDING AREAS

Within the NBM Overlay are ± 4,598 4,569 acres of land that are identified as Sending Areas for the transfer of development rights that are located in the western, eastern and southern portion of the study area. The Sending Areas consist of the NRPA lands and ±5 and ¾ sections west of the NRPA. The sending areas are locations where residential development is discouraged. Endangered and threatened species are located within the Sending Areas, including colonies of Red Cockaded Woodpeckers. Therefore, the protection of endangered and threatened species including the protection of habitat are primary planning considerations in this area.

5. NEUTRAL LANDS

Within the NBM Overlay there are ± 4,280 1,309 acres of land that are identified as Neutral Areas. The Neutral Areas consist of two ½ sections located at the northeast corner of this Overlay and, Section 24 located in the northwest portion of this Overlay, and approximately 29 acres located in Section 31. The preservation standards for Neutral Lands shall be those contained in CCME Policy 6.1.2 for Neutral Lands. The County has performed an RCW study for Section 24 and, if the results of the study warrant, the Plan will be amended.

[Note: The proposed text change shows the petitioner's proposed amendments in single strike-through/underline format, while current Growth Management Plan language appears in plain text; this text is reflected in the Resolution Exhibit A.]

BACKGROUND AND PROJECT DESCRIPTION:

The following summary provides background information on the "Rural Fringe Mixed Use District".

Originally adopted on June 19, 2002, primarily for the Rural Fringe Mixed Use Area of the County, an area generally located between the coastal Urban area and Golden Gate Estates. Due to legal challenges, the original amendments did not become effective until the Florida Department of Community Affairs issued its Final Order on July 22, 2003. [For reference, the most recent Conditional Use for the subject property was approved June 11, 2002, preceding the creation of the RFMUD.] The RFMUD states, in part:

"The Rural Fringe Mixed Use District provides a transition between the Urban and Estates Designated lands and between the Urban and Agricultural/Rural and Conservation designated lands farther to the east. The Rural Fringe Mixed Use District employs a balanced approach, including both regulations and incentives, to protect natural resources and private property rights, providing for large areas of open space, and allowing, in designated areas, appropriate types, density and intensity of development. The Rural Fringe Mixed Use District allows for a mixture of urban and rural levels of service, including limited extension of central water and sewer, schools, recreational facilities, commercial uses and essential services deemed necessary to serve the residents of the District. In order to preserve existing natural resources, including habitat for listed species, to retain a rural, pastoral, or park-like appearance from the major public rights-of-way within this area, and to protect private property rights, the following innovative planning and development techniques are required and/or encouraged within the District.

1. Transfer of Development Rights (TDR), and Sending, Neutral, and Receiving Designations: The primary purpose of the TDR process within the Rural Fringe Mixed Use District is to establish an equitable method of protecting and conserving the most valuable environmental lands, including large connected wetland systems and significant areas of habitat for listed species, while allowing property owners of such lands to recoup lost value and development potential through an economically viable process of transferring such rights to other more suitable lands. Within the Rural Fringe Mixed Use District, residential density may be transferred from lands designated as Sending Lands to lands designated as Receiving Lands on the Future Land Use Map, subject to the provisions below. Residential density may not be transferred either from or into areas designated as Neutral Lands through the TDR process."

Receiving Lands are areas of lesser environmental value; accordingly, they have the least restrictive protection standards and broadest list of permitted uses. Residential density is allowed at 1 DU/5 acres; for parcels ≥ 40 acres, this density may be increased via TDRs to a maximum of 1 DU/acre.

Neutral Lands have an intermediate level of environmental protection standards. Permitted uses are virtually the same as prior to the June 22, 1999 Final Order. Residential density is allowed at 1 DU/5 acres. These lands are "neutral" to the TDR program - they are not eligible to send or receive dwelling unit rights. For parcels ≥ 40 acres, clustering is allowed.

Sending Lands are areas of higher environmental value; accordingly, they have more restrictive protection standards and a more restrictive list of permitted uses. Residential density is limited to 1 DU/40 acres, or pre-existing parcel size of <40 acres if created prior to 6/22/99. Residential density may be transferred at a ratio of 1 DU/5 acres, or pre-existing parcel size of <5 acres if created prior to 6/22/99 and lawfully existing; however, additional density may be transferred via density Bonus provisions. Once development rights have been transferred (TDRs used), allowable land uses are further restricted - agricultural uses are allowed to continue but cannot be intensified.

Exceptions to the above density limitations include: (a) Density Blending: allows some larger properties that straddle the Urban boundary – that is, partially within the RFMUD and partially within the Urban area - to shift their allowable density to the RFMUD so as to protect environmentally sensitive lands in the Urban area; and, (b) Rural Villages: depending upon location, allows a density of between 2 and 3 DU/A, with requirement to use TDRs. For Rural Villages: commercial, recreational and institutional uses are allowed and required; depending upon location, a greenbelt is required around the perimeter; depending upon location, the size is limited to between 300 and 2,500 acres; and, a public facilities impact analysis is required.

During the Rural Fringe public hearings in 2002, many owners of proposed (and now-designated) Sending Lands asserted their property had been previously cleared or otherwise did not warrant the Sending Lands designation. Recognizing this possibility – it was made well-known that the designations were based upon landscape scale analysis, but also that allowing Receiving or Neutral Lands designations to be surrounded by Sending Lands designations (Swiss cheese concept – holes of Receiving or Neutral Lands within Sending Lands) was not acceptable, the BCC included a GMP provision giving a one year window in which owners of Sending Lands property that share a boundary with either Receiving Lands or Neutral Lands could submit data and analysis in an effort to demonstrate that, as of the date of adoption of the RFMUD (June 19, 2002), the Sending Lands designation was not warranted. In addition, staff would re-evaluate the data used in 2002 (panther telemetry data, red-cockaded woodpecker nesting and foraging habitat data, land cover classification data, etc.) to determine the boundaries of Sending Lands. Please see the GMP provision below.

Future Land Use Element (FLUE), RFMUD Sending Lands

11. Adjustment to the Sending Lands Boundaries. For all properties designated Sending Lands where such property is contiguous to a Sending Land/Neutral Land boundary or Sending Land/Receiving Land boundary, the County will provide written notice to the property owners to advise [them] of the opportunity to submit additional data and analysis to the County in an attempt to demonstrate a change to the boundary is warranted. Said written notice will be provided within three months of the effective date of these Rural Fringe amendments. Within one year from the date these notices are sent, the County will initiate a Growth Management Plan amendment to consider boundary changes, based upon the data and analysis, as may be warranted. Under the following conditions, adjustments may be proposed to Sending Land boundaries:

- a) The property is contiguous to Neutral or Receiving Lands;
- b) Site specific environmental data submitted by the property owner, or other data obtained by the County, indicates that the subject property does not contain characteristics warranting a Sending designation;
- c) An adjustment to the Sending land boundary requires an amendment to the Future Land Use Map.

Staff received 12 re-designation requests, corresponding to 90 parcels comprising almost 1,900 acres; the BCC ultimately re-designated 12 parcels comprising 203 acres. The subject property was not submitted and would not have qualified – it does not abut Neutral Lands or Receiving Lands.

This application seeks to amend the Future Land Use Map (FLUM) and the North Belle Meade Overlay Map of the FLUE Map Series, to re-designate RFMUD Sending Lands to Neutral Lands. This pair of map changes would allow RFMUD Neutral Lands uses on the subject property – specifically, to expand existing operations for the mulching and recycling of horticultural waste to add the collection, transfer, processing and reduction of solid waste, mainly construction and demolition materials.

Other allowed Neutral Lands uses include: agriculture, single-family residences at a 1 dwelling unit per 5 acre density, and multi-family structures; group housing units; non-residential uses allowed in Sending Lands, plus other park and recreation facilities, sports instructional schools, earthmining, public and private schools and community facilities, golf courses and driving ranges, zoos, aquariums and botanical gardens. Although application materials indicate intent to develop the site further as a facility for the collection, transfer, processing and reduction of solid waste – of both horticultural and non-horticultural materials – once the re-designation occurs, the site will be eligible for *any* use allowed in the Neutral Lands designation.

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

Subject Site:

Application materials describe the site as “partially cleared and improved” with “existing mulching and recycling facilities”. The parcel is zoned A, Rural Agricultural, lies within the Rural Fringe Mixed Use (RFMU) Sending Lands [zoning] Overlay, and within the North Belle Meade [zoning] Overlay. It is approved with a Conditional Use allowing for the “Mulching and Recycling Facility”. County records indicate zoning activity as early as 1991, when a Provisional Use for a “Sawmill” was granted, plus a series of Conditional Uses, beginning in 1998, when the “Sawmill (Mulching and Horticultural Recycling)” use was approved.

The Future Land Use Map designates the subject property Agricultural/Rural, Rural Fringe Mixed Use District (RFMUD) Sending Lands, North Belle Meade Overlay (NBMO).

The present RFMUD Sending Lands designation allows participation in the Transfer of Development Rights (TDR) program, agricultural uses consistent with the Florida Right to Farm Act, habitat preservation and conservation, single-family residences at a 1 dwelling unit per 40 acres or legally nonconforming parcel density, non-residential uses (e.g. passive recreation, essential services, sports and recreation camps, oil and gas exploration, development and production), and limited accessory commercial uses.

Surrounding Lands:

- N - ZONING:** A, Rural Agricultural, within the Rural Fringe Mixed Use (RFMU) Sending Lands [zoning] Overlay, and within the North Belle Meade [zoning] Overlay;

EXISTING LAND USE: Across Washburn Avenue, is a single-family residence, nursery operation and a truck barn;

FLUM DESIGNATION: The current Future Land Use Designation is Rural Fringe Mixed Use District (RFMUD) Sending Lands, North Belle Meade Overlay.

- S - ZONING:** A, Rural Agricultural within the Rural Fringe Mixed Use (RFMU) Sending Lands [zoning] Overlay;

EXISTING LAND USE: Across a main east-west canal and I-75, is undeveloped land; The Picayune Strand State Forest surrounds the undeveloped parcel located directly south;

FLUM DESIGNATION: The current Future Land Use Designation is Rural Fringe Mixed Use District (RFMUD) Sending Lands, Belle Meade Natural Resource Protection Area (NRPA) Overlay.

- E - ZONING:** A, Rural Agricultural, within the Rural Fringe Mixed Use (RFMU) Sending Lands [zoning] Overlay, and within the North Belle Meade [zoning] Overlay;

EXISTING LAND USE: a single-family residence and undeveloped land;

FLUM DESIGNATION: The current Future Land Use Designation is Rural Fringe Mixed Use District (RFMUD) Sending Lands, North Belle Meade Overlay.

- W - ZONING:** A, Rural Agricultural, within the Rural Fringe Mixed Use (RFMU) Sending Lands [zoning] Overlay, and within the North Belle Meade [zoning] Overlay;

EXISTING LAND USE: Across Washburn Avenue, is a telecommunications tower on a vacant lot and a preserve area;

FLUM DESIGNATION: The current Future Land Use Designation is Rural Fringe Mixed Use District (RFMUD) Sending Lands, North Belle Meade Overlay.

In summary, the existing land uses in the area immediately surrounding or directly opposite the subject property are primarily rural-type residential and non-residential in nature. The present FLUM designation would allow the same Sending Lands uses in this area as on the subject property, except where restricted further by NRPA standards.

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.

Environmental Impacts:

Multiple environmental reports, with the most-recent dated May 1, 2009, were prepared by Ramsey Inc. Environmental Consulting and submitted with this petition to support the proposed RFMUD re-designation from Sending Lands to Neutral Lands. Submittal materials verify the existence of wetland areas, native vegetation, previous clearing, and business activities on the subject property, as excerpted below:

- The "Conclusions" section of the Ramsey Protected Species Wildlife Survey Report – Spring 2009 provides a summary of data reported, and concludes with an analysis stating, in part, "Implementation of the preserve area, enhancement and rehydration of it will increase wildlife utilization and habitat quality on the property, especially for wetland oriented species; and provide a permanent flow way for the natural flow of water from the north".
- The "Overlays" subsection of the Ramsey Re-Designation Evaluation of Fillmore/Yah! Mulching Project from RFMUD Sending to Neutral Lands – GMP Amendment CP-2008-4 provides a listing of decisions and reasoning leading to a conclusion that, "The (subject property) does not exemplify the characteristics listed for Sending Lands. However, it does better fit the Neutral Lands definition". The "Conclusion" subsection of the same Evaluation provides a collection of "accurate site specific data" for the subject property, and concludes, in part, "the most accurate land classification based on the RFMUD guidelines is Neutral".

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

The Subject property has been partially cleared and utilized for mulching and horticultural recycling activities prior to the adoption of Rural Fringe Mixed Use District regulations.

The original Rural Fringe Mixed Use District designations were based upon landscape scale analysis. Since then, proposals for re-designation have relied on site-specific environmental findings in order to demonstrate different property characteristics.

Data and analysis is provided in an effort to demonstrate that the Sending Lands designation is not supported. Data reveals there is habitat conducive to use by some listed species on the site and, the site is within the ranges for panther and bear. Wetlands are also present. Data indicates listed species are not utilizing the site – based on surveys conducted. The listed species survey conducted on site concluded that there were no listed species found foraging or nesting, and there were no signs of gopher tortoises, red cockaded woodpeckers, big cypress fox squirrels, Florida panther or Florida black bear. Non-listed species observed include 16 bird species, 3 mammals and 1 reptile. Listed species could still be utilizing the property but have not been documented through surveys.

The project site includes single-family homes; timber processing business with associated roads; cypress; and pine/cypress/cabbage palm habitats with varying degrees of impacts from the existing business and an old borrow pit site. The soils found on site are listed as Boca fine sand; Oldsmar fine sand, on limestone substratum; Rivera fine sand, on limestone substratum; and Holopaw fine sand, on limestone substratum.

The site has been used for over a decade for mulching and recycling vegetative material. There is an approximately 12-acre native vegetation preserve on the site. The site was in use before the adoption of the Rural Fringe Mixed Use District regulations and can continue the current use as approved by Conditional Use 02-263 (as amended). The current 12-acre preserve is approximately 3 times larger than the requirement for Industrial/Commercial sites in the Urban Designated Area, which is 15% of the native vegetation present before development occurs.

Policy 6.1.6 exempts this project from Rural Fringe native vegetation retention requirements as long as the existing use is continued. Since application materials are proposing a new use of the property, the Rural Fringe native vegetation requirements will apply. If the site is changed from Sending to Neutral, Policy 6.1.2 requires "A minimum of 60% of the native vegetation present, not to exceed 45% of the total site area shall be preserved...". This percentage will be applied to any remaining vegetation outside the existing conservation easement, if any, and will be calculated at the time of the next Conditional Use review. The current, approximately 12 acre preserve shall be maintained under existing conservation easement limitations. Due to the sites proximity to the perimeter of the Rural Fringe boundary and the current state of the property, the change of this site from Sending Lands to Neutral Lands to accommodate the proposed new use will not have a significant impact on the remaining Sending Lands since the current use of the site pre-dates the Rural Fringe Sending Land regulations, and the new use will result in approximately one acre of additional native vegetation preserve.

In summary, the proposed re-designation from Rural Fringe Sending to Neutral Lands has been accompanied by data and analysis that supports the re-designation. This proposal does not result in protection of an area of higher environmental value, but in the recognition and utilization of lands having an intermediate level of environmental value.

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

Capital Improvement Element (CIE) Policy 1.2 sets forth that the County Commission shall not approve any petition or application that would directly access, or significantly impact, a deficient roadway segment. This language is mirrored in Policy 5.1 of the Transportation Element (TE). CIE Policy 1.2 states, "Significant impact is hereby defined... as generating potential for increased countywide population greater than 2% of the population projections for parks, solid waste, potable water, sanitary sewer, and drainage facilities, or as generating a volume of traffic equal to or greater than 2% of the adopted LOS standard service volume of an impacted roadway." TE Policy 5.1 provides for same, and allows certain petitions and applications to be approved with "specific mitigating stipulations".

A Traffic Impact Statement (TIS), dated May, 2009, was prepared by Omega Consulting Group and submitted with this petition, including the analyses typically provided in a Growth Management Plan amendment application.

The TIS concludes that the roadway links analyzed, as part of the analysis, will not be significantly or adversely impacted by the resultant change to the Growth Management Plan. The Level of Service will remain above the adopted Level of Service threshold for the roadway links analyzed.

The Collier County Transportation Planning staff has concurred with the assessments put forth within the associated TIS, and provides the following remarks:

Transportation Element:

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.

White Lake Boulevard Impacts:

The first roadway link that would be impacted by this project is White Lake Boulevard, which connects to Collier Boulevard (CR 951) north of I-75. The project would generate up to 36 PM peak hour, directional trips on this link, which represents a 5.0% impact. This is not yet an adopted concurrency link, so remaining capacity is not measured in the adopted 2008 AUIR.

White Lake Boulevard is included in the 2030 LRTP, demonstrating a 2-lane connection to Wilson Boulevard.

CR 951 Impacts:

The first concurrency link that would be impacted by this project is Link 32.2, Collier Boulevard between Golden Gate Parkway and I-75. Without consideration for project interaction with the County Landfill, the project would generate up to 18 PM peak hour, peak direction trips on this link, which represents a 0.73% impact. This concurrency link reflects a remaining capacity of 449 trips in the adopted 2008 AUIR and is at Level of Service "D". With consideration for project interaction with the Landfill, the impact to Collier Boulevard would be 9 PM peak hour trips – an impact of 0.37%.

No subsequent links of Collier Boulevard require analysis beyond the first impact.

Furthermore, Collier Boulevard is included in the 5-Year CIE with improvements shown to be planned in FY 2010. Design plans currently (as of September, 2009) indicate a widened portion of Collier Boulevard between the Golden Gate Main Canal and Davis Boulevard, covering portions of two separate concurrency segments.

Long Range Transportation Plan:

The 'Needs' and 'Financially Feasible' maps found in the County's adopted Long Range Transportation Plan (LRTP) [Maps 10-2 and 12-1, respectively], indicate s the southerly property boundary coincides with the current boundary recommended by the County's consultant performing the Wilson/Benfield Corridor Study. To be consistent with these Corridor plans, Transportation Planners recommend that 130 ft. be reserved along the southerly property boundary for future road right-of-way.

Recommended Condition:

This project reserve 130 ft. along the southerly property boundary for future road right-of-way coinciding with the current boundary recommended by the Wilson/Benfield Corridor Study at such time that zoning action is undertaken to allow the proposed land use(s).

Public Facilities Impacts:

The petitioner prepared Public Facilities calculations, which were submitted with this application. For water and sewer, the proposed solid waste collection, transfer, processing and reduction operation will demand 375 gallons per day – not considered to be a significant impact. However, for some public facilities, such as park facilities, the impacts will be lessened since this is not a residential project. Utilizing the level of service standards identified in the CIE, the proposed uses will not result in a significant impact on Category A public facilities.

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

Water and Wastewater Review Comments:

Based on 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. There are no connections or extensions of the existing water and sewer utilities proposed, therefore, this project does not impact the CCWSD.

Solid Waste Review Comments:

The Collier County Public Utilities Solid Waste Department supports the further development of private vendors that will help to receive and manage more of the county's waste stream. The existing mulching recycling facility and the Collier County Landfill are adjacent, and this GMPA application will allow this project to provide additional recycling operations that will support receiving, crushing, sorting, and storing of construction & demolition materials. If the proposed GMP amendment is approved, applicant plans to submit a conditional use application to expand operations to include collection of construction and demolition materials. As such, Solid Waste staff and applicant and his agents met on August 18, 2009 to discuss future uses on the property. Solid Waste staff desires to ensure that the property is in compliance with all existing local, state and federal regulations and in harmony with existing practices at the landfill. Therefore, at the meeting Solid Waste staff raised concerns related to odor, noise, health and safety, fire safety, traffic, and hurricane preparation. It was agreed that applicant will provide information to address these concerns in the conditional use application subject to Solid Waste staff's further review.

Historical and Archaeological Impacts:

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

2008 Legislation - HB 697:

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

Staff has reviewed this petition for adequacy of data and analysis to demonstrate how it discourages urban sprawl and reduces greenhouse gas emissions. The petitioner has not submitted a response, data or analysis regarding this legislation.

Appropriateness of Change:

The practicality of the application's proposed Subdistrict was established through an evaluation of environmental characteristics predominantly, and other relevant factors, to ascertain insufficient need for retaining the Sending Lands designation and the appropriateness of the Neutral lands designation.

Re-designation of this site will have a negligible impact of the Transfer of Development Rights program given the small size of the site (28.7 acres) as well as the amount of site clearing that has already occurred. It's location on the periphery of Sending lands does not raise concerns that an isolated designation is being created. Protection of environmentally sensitive portions of the site will be addressed at the time of the next development order review, and there is an existing conservation easement.

NEIGHBORHOOD INFORMATION MEETING (NIM) SYNOPSIS:

A Neighborhood Information Meeting (NIM) required by LDC Section 10.03.05 F was [duly advertised, noticed and] held on Wednesday, July 29, 2009, 5:30 p.m. at the Comfort Inn & Suites, located at 3860 Tollgate Boulevard, Naples. Approximately eight persons other than the applicant's team and County staff attended, and heard the following information:

The applicant's agent provided a full description of the proposed amendment to the group, including the GMPA process, the Rural Fringe Mixed Used designation the TDR program, and the subsequent Conditional Use process.

The presentation indicated that *preserve* areas already exist on the site, and they would not change as a result of expanded operations. No listed species are found on the site, and there will be no public facilities' impacts.

The present and proposed uses were described, particularly the collection, transfer, processing and reduction of solid waste, mainly construction and demolition materials. Improvements accompanying the expansion would include construction of a new building and the addition of up to 10 new employees.

Questions generated during the subsequent discussion focused on the nature of the proposed construction and demolition recycling activities, truck traffic and localized road conditions. No one in attendance expressed opposition to the project. The meeting was completed by 5:50 p.m.

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

FINDINGS AND CONCLUSIONS:

The following findings and conclusions result from the reviews and analyses of this request:

1. Original RFMUD designations were based upon landscape scale analysis. Since then, proposals for re-designation have relied on site-specific environmental findings in order to demonstrate different property characteristics. The application provides data and analysis that the subject property's specific environmental condition supports the re-designation.

2. This property will be subject to all GMP requirements and limitations of the Neutral Lands designation, including the native vegetation preservation/retention requirements of the Conservation & Coastal Management Element (CCME). These requirements will be calculated at the time of Conditional Use review.
3. Impact upon the TDR program is negligible.
4. The southerly property boundary coincides with the current boundary recommended by the Wilson/Benfield Corridor Study for future road right-of-way, in accordance with the County's Long Range Transportation Plan (LRTP). This property is recommended to be reserved for right-of-way at the time of Conditional Use review.
5. Subsequent zoning activity must include a request to modify ("rezone") the RFMU Overlay, changing the RFMU Overlay – Sending Lands – NBM Overlay designation of the subject property to RFMU Overlay – Neutral Lands – NBM Overlay. This request may precede, but can be concurrent with, the Conditional Use application.

ENVIRONMENTAL ADVISORY COUNCIL RECOMMENDATION:

The Environmental Advisory Council (EAC) heard the proposed amendment at their September 2, 2009 hearing.

EAC members concurred that the presented data and analysis demonstrates the subject site does not warrant RFMUD Sending Lands designation.

Members discussed the proposed collection, transfer, processing and reduction of solid waste land use, and reminded attendees that if granted, the re-designation would also allow other Neutral Lands uses – those most similar to the Agricultural-Residential use allowed before the Rural Fringe Mixed Use District was established.

Members also discussed how subsequent zoning activity will include both a request to modify ("rezone") the RFMU Overlay, changing the RFMU Overlay – Sending Lands – NBM Overlay designation to the Neutral Lands – NBM Overlay – along with a Conditional Use application. Native vegetation preservation requirements will be specifically addressed at the time that zoning action (CU, SDP) is undertaken.

EAC members recognized that no objections were raised by NIM attendees. The EAC recommended to the Planning Commission and the Board of County Commissioners to transmit CP-2008-4 to the DCA on a 5-0 vote.

LEGAL CONSIDERATIONS:

This Staff Report has been reviewed and approved by the Office of the County Attorney. [HAC]

STAFF RECOMMENDATION:

Based on the reviews and analyses provided within this Report, staff recommends that the Collier County Planning Commission forward Petition CP-2008-4 to the Board of County Commissioners with a recommendation to transmit to the Florida Department of Community Affairs, as written in the Requested Action section above, and in the accompanying Exhibit A.

In addition to the above FLUE language, staff recommends the following stipulation, which is not intended to be made part of the GMP:

- One hundred thirty (130) feet be reserved along the southerly property boundary for future road right-of-way at such time that zoning action is undertaken to allow the proposed land uses.

PREPARED BY: Corby Schmidt **DATE:** 9/29/09
 Corby L. Schmidt, AICP, Principal Planner
 Comprehensive Planning Department

REVIEWED BY: David C. Weeks **DATE:** 9/29/09
 David C. Weeks, AICP, Manager
 Comprehensive Planning Department

REVIEWED BY: Randy J. Cohen **DATE:** 9-29-09
 Randy J. Cohen, AICP, Director
 Comprehensive Planning Department

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

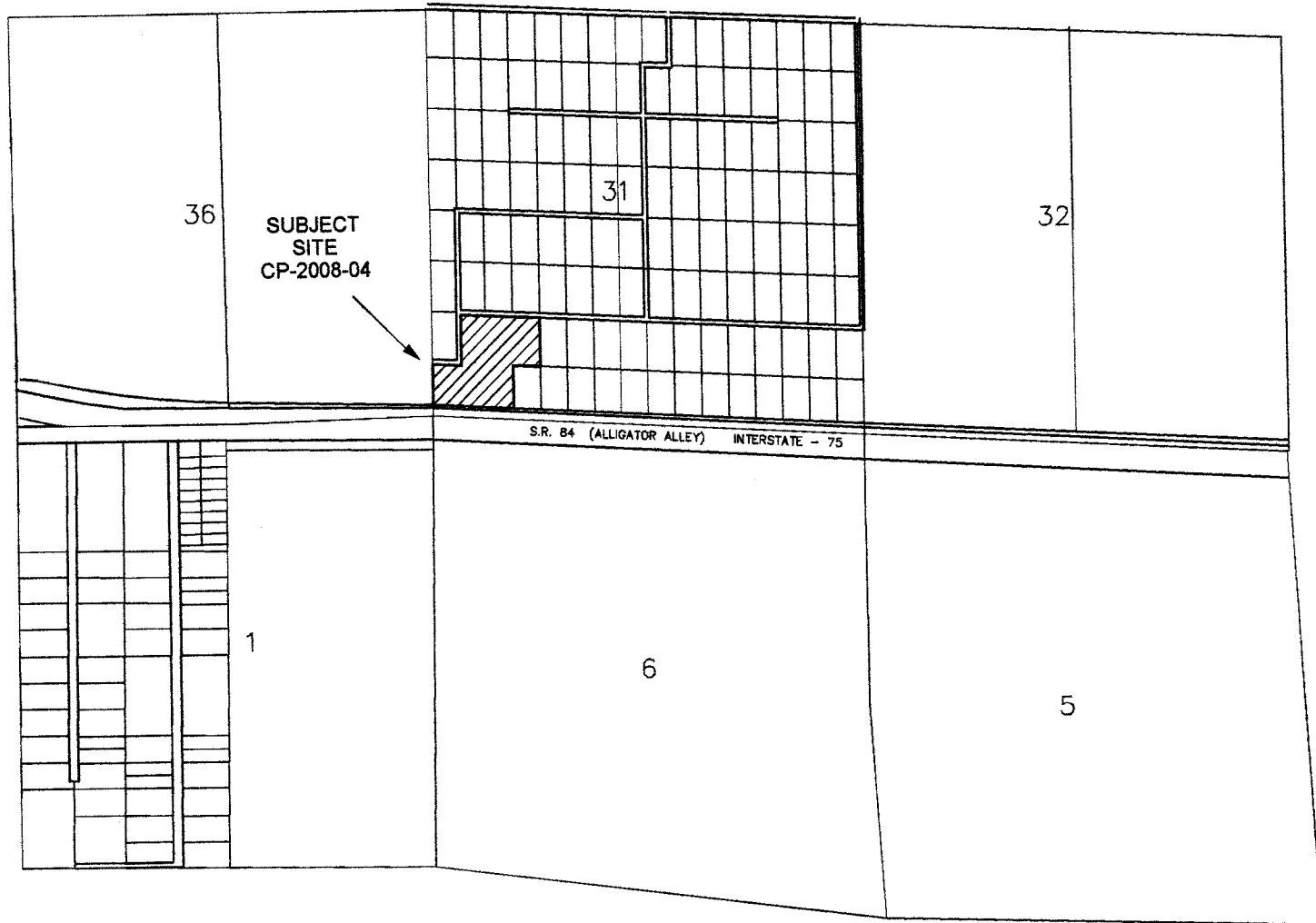
Petition No: CP-2008-4
Staff Report for the October 19, 2009 CCPC Meeting

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

COLLIER COUNTY PLANNING COMMISSION:

Mark P. Strain, Chairman

FILMORE RFMUD SENDING LANDS RE-DESIGNATION
COLLIER COUNTY, FLORIDA



PREPARED BY: GRAPHICS AND TECHNICAL SUPPORT SECTION
COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION
DATE: 8/2009 FILE: CP-2008-4.DWG

