

EXECUTIVE SUMMARY

Recommendation to approve the 2010 Cycle of Growth Management Plan Amendments, including one 2008 Cycle Petition, for transmittal to the Florida Department of Community Affairs (DCA) for review and objections, recommendations and comments (ORC) response. (Transmittal Hearing)

OBJECTIVE:

For the Board of County Commissioners to review the 2010 cycle of amendments to the Collier County Growth Management Plan and consider approving said amendments for transmittal to the Florida Department of Community Affairs.

CONSIDERATIONS:

- Chapter 163, F.S., provides for an amendment process for a local government's adopted Growth Management Plan.
- The (CCPC), sitting as the "local planning agency" under Chapter 163.3174, F.S., held their Transmittal hearing for the 2010 cycle petitions on December 16, 2010 and January 20, 2011 (CP-2010-1 and CPSP-2010-2), and February 17, 2011 (CPSP-2010-5), and October 19 and 20, 2009 (CP-2008-1).
- This Transmittal hearing for the 2010 cycle considers amendments to the following Elements of the Plan:
 - ◊ Future Land Use Element (FLUE) and Future Land Use Map and Map Series; and,
 - ◊ Golden Gate Area Master Plan (GGAMP) and Future Land Use Map and Map Series.

Note: Because the support materials are so voluminous, and some exhibits are oversized, the Agenda Central system does not contain all of the related documents pertaining to these GMP amendment petitions. The entire Executive Summary package, including all support materials, is included in the binders provided separately to the BCC specifically for the 2010 cycle of GMP amendment petitions. The complete binder is available for review in the Comprehensive Planning Section office at 2800 North Horseshoe Drive, Naples, as well as in the Clerk of Courts/Minutes and Records office at 3299 Tamiami Trail East, Suite 401.

FISCAL IMPACT:

There are fiscal impacts to Collier County as a result of these amendments. Existing staff resources and existing (or budgeted) contracted services were used to prepare and process the two County-initiated petitions, and the existing budget was used to pay for the required special legal advertisements (for the Wellfields Protection Areas map) as well as the separate CCPC legal ad for petition CPSP-2010-5 (authorized by BCC on 12/14/10). The cost to process, review and advertise the private sector petitions is borne by the petitioners via the application fees. Final action is not being taken at this time as these amendments are not being considered for adoption at this hearing. If approved for transmittal, these amendments will subsequently be considered for adoption at hearings to be held later in 2011.

As to the staff request for BCC authorization to initiate Land Development Code (LDC) amendments necessitated by certain portions of petition CPSP-2010-2 – including update of the wellfield risk management special treatment overlay zone maps in the LDC, existing staff resources will be used to prepare and process those amendments.

LEGAL CONSIDERATIONS:

This Executive Summary has been reviewed by the County Attorney's office.

These proposed Growth Management Plan amendments are authorized for consideration by local government, and subject to the procedures established, in Chapter 163, Part II, Florida Statutes, The Local Government Comprehensive Planning and Land Development Regulation Act, and by local Resolution #97-431, as amended. A majority vote of the Board is necessary for Transmittal to DCA. [HFAC]

GROWTH MANAGEMENT IMPACT:

Approval of these proposed amendments by the Board of County Commissioners for Transmittal to the Florida Department of Community Affairs will commence the Department's sixty-day (60) review process and ultimately return these amendments to the Planning Commission and the Board of County Commissioners for final Adoption hearings to be held later in 2011.

ENVIRONMENTAL ISSUES:

No listed plant and/or animal species have been observed or are known to be on the site of petition CP-2008-1, nor does that site contain jurisdictional wetlands. For the other two site-specific petitions (CP-2010-1 and CPSP-2010-5), environmental conditions of the sites have not changed since the prior GMP amendment approvals in 2005 that established the existing respective subdistricts, and neither of the present petitions propose an increase in overall use intensity or density. As part of the process of obtaining subsequent development orders (e.g. rezone and/or conditional use, site development plan), the sites will be subject to all applicable local, state and federal environmental protection regulations, including applicable portions of the Conservation and Coastal Management Element of the GMP, and the Land Development Code.

HISTORICAL/ARCHAEOLOGICAL IMPACT:

None of the three proposed site-specific GMP amendment petitions contain lands identified on the County's Historical/Archeological Probability Maps as being in areas of historical or archaeological probability. As part of the process of obtaining subsequent development orders, the sites will again be subject to review for historical/archeological probability.

ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:

Most Growth Management Plan amendments are not reviewed by the EAC. However, the EAC did review, on December 1, 2010, that portion of petition CPSP-2010-2 regarding update of the

Wellfield Protection Areas Map in the Future Land Use Map Series contained in the FLUE. The EAC forwarded that petition with a recommendation to transmit to DCA (vote: 3/0).

STAFF RECOMMENDATION:

Staff recommendation follows each individual petition listed below.

COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION:

The CCPC's recommendation follows each individual petition listed below. Note: Where the CCPC forwarded a recommendation of approval, the text in the Resolution Exhibit A reflects the CCPC recommendation. In the case of CP-2008-1, where the CCPC recommendation for approval failed by virtue of a tie vote, the text in the Resolution Exhibit A reflects the petitioner's proposed text – as revised subsequent to the CCPC hearing, BCC hearing in 2010 and referendum in 2010.

- 1. PETITION CP-2008-1**, Petition requesting an amendment to the Golden Gate Area Master Plan (GGAMP) and Golden Gate Area Master Plan Future Land Use Map and Map Series, to create the Estates Shopping Center Subdistrict to allow a maximum of 190,000 square feet of commercial uses of the C-4 zoning district, with exceptions, and some uses of the C-5 zoning district, with requirement to construct a grocery store, for property located on the north side of Golden Gate Boulevard extending from Wilson Blvd. west to 3rd Street Northwest, in Section 4, Township 49 South, Range 27 East, consisting of ±40.62 acres. [Coordinator: Michele Mosca, AICP, Principal Planner]

Staff Recommendation - October 2009: That the CCPC forward petition CP-2008-1 to the BCC with a recommendation not to approve for transmittal to the Florida Department of Community Affairs.

CCPC Recommendation: At the CCPC hearing, the petitioner verbally proposed two changes to the amendment: 1) reduce building height from two stories to one story; and, 2) reduce the proposed building area from 225,000 square feet to 210,000 square feet. There was no CCPC recommendation on revised petition CP-2008-1 by virtue of a tie vote (4/4). The failed motion to approve was subject to staff alternative text in the Staff Report, but revised to: 1) keep the list of allowable uses #1-27 as proposed by petitioner, but delete #28 [this requires a re-lettering of paragraphs]; 2) revise paragraph "a.12" to reflect the correct SIC Code term; 3) revise paragraph "a." to add a "catchall" prohibited use #14; 4) revise paragraph "b." to reduce the total allowable building area from 225,000 s.f. to 210,000 s.f., as proposed by the petitioner at the hearing, and to modify the building floor area term; 5) revise paragraph "c." to recognize the potential for more than one grocery use; 6) revise paragraph "e.1." pertaining to the timing of right-of-way donation; and, 6) delete paragraph "n." pertaining to common architectural theme. The text that reflects the CCPC's unsuccessful motion is contained in the document titled "CCPC Transmittal Recommendation for CP-2008-1."

Speakers: There were nine speakers. Two speakers were in favor of the petition, noting there is a need and desire for more commercial and that the petitioner has worked to resolve neighborhood concerns. One of those two speakers represented the First and Third Group, a group of neighbors near the subject site (1st and 3rd Streets NW); he presented a specific list of permitted and prohibited

uses, with SIC Codes, the Group endorsed. Seven speakers were opposed to the petition, citing these concerns: project will increase traffic; there are adequate shopping opportunities in or near Golden Gate Estates (GGE); negative impacts during project construction; commercial should not be located in the interior of GGE; project will attract undesirable animals (rats, then snakes that eat rats); not consistent with GGAMP allowance for commercial and maintenance of rural character; questions whether there's enough population in GGE to support this amount of commercial; will disrupt the tranquility, quiet, nature and [nighttime] darkness the speakers moved to GGE to enjoy.

Post-CCPC Action: Subsequent to the CCPC hearing, the petitioner submitted revised proposed subdistrict text and conceptual map to reduce building area from 225,000 s.f. to 210,000 s.f.; increase landscape buffers; and, increase building setbacks. Also, the petitioner submitted additional data and analysis.

BCC Action – January 2010: With the petitioner's concurrence, the BCC continued this petition indefinitely so as to allow the petitioner to place this proposal as a non-binding referendum (straw vote) on the November 2010 ballot.

Post-BCC/Post-Referendum Action: Subsequent to the November 2010 General Election, the petitioner submitted a revised petition with updated data and analysis (infrastructure impacts, needs analysis) to reflect a cap of 190,000 s.f. of commercial development. Staff's detailed review and evaluation of the revised petition, and the election results, are contained in the document titled "CP-2008-1 Supplemental Report for the BCC."

STAFF'S CONCLUSION AND RECOMMENDATION:

Based on the data and analysis submitted, the proposed site would be more appropriate for a neighborhood commercial sized center with the corresponding C-1 through C-3 commercial uses of the Land Development Code, with a limitation of a 20,000 square feet cap for individual users, with the exception that the grocery use may exceed the cap. Additionally, staff recommends eliminating the Conceptual Site Plan within the Master Plan as it is unprecedented to incorporate a site plan into the GMP, and the environmental data provided on the site plan is inadequate to determine compliance with the Policies of the Conservation and Coastal Management Element.

The discrepancy between the petitioner's request and staff's recommendation was heard by the Board on January 19, 2010 at which time the Board directed staff to seek the community's desire through a straw-poll ballot. While staff continues to support a moderately sized commercial center, the public (via referendum) overwhelmingly supported a 190,000 square feet center.

As noted previously herein, the Florida Senate Report provides that if the commercial ratio of 1.25 is exceeded, other factors, such as suitability of property for change, locational criteria, job creation, community desires, etc., may be considered. Accordingly, despite staff's finding that the technical Needs Analysis does not support the petition as proposed within the Comprehensive Plan planning horizon of 2020, the Board of County Commissioners may consider the following factors in reaching a decision to approve this petition. The petition does provide for a reduction in vehicle miles traveled, local job creation and has community support.

- 2. PETITION CP-2010-1,** Petition requesting an amendment to the Future Land Use Element (FLUE), to modify the language of the Vanderbilt Beach Road Neighborhood Commercial Subdistrict to allow a grocery/supermarket, physical fitness facility, craft/hobby store, home

furnishing store and department store use to exceed the 20,000 square feet limitation for a single commercial use, up to a maximum of 50,000 square feet, for Parcel 1 (\pm 9.2 acres, zoned Bradford Square MPUD) only, and with the overall maximum development limitation of 100,000 square feet of commercial land uses on Parcel 1 to remain; the subject portion of the Subdistrict is located at the northeast corner of Vanderbilt Beach Road and Livingston Road in Section 31, Township 48 South, Range 26 East. [Coordinator: Michele Mosca, AICP, Principal Planner]

The Vanderbilt Beach Road Neighborhood Commercial Subdistrict was established in 2005 and comprises two non-contiguous parcels that generally allow commercial uses found in the C-1 through C-3 zoning districts. Each parcel has an overall building square feet cap, and each parcel includes a maximum size for any individual commercial use of 20,000 square feet. This petition, which applies to Parcel 1 only, seeks to increase the individual use cap to 50,000 square feet for certain specified uses.

Staff Recommendation: That the CCPC forward petition CP-2010-1 to the BCC with a recommendation to approve for transmittal to the Florida Department of Community Affairs.

CCPC Recommendation: That the BCC approve petition CP-2010-1, as submitted by the petitioner and modified at the hearing to add a list of prohibited uses, for transmittal to the Florida Department of Community Affairs, and to require, by adoption hearings, the recordation of deed restrictions listing the same prohibited uses (vote: 9/0).

Speakers: There was one speaker, representing surrounding neighborhoods; he did not oppose the petition and generally was in support.

3. PETITION CPSP-2010-2, Staff petition requesting amendments to the Future Land Use Element and Future Land Use Map and Map Series (FLUE/FLUM), to: modify the Bayshore/Gateway Triangle Redevelopment Overlay (B/GTRO); modify FLUE Policy 5.1; modify applicability of the Office and Infill Commercial Subdistrict; update the Wellhead Protection Map; update the FLUM and Map Series to reflect annexations, etc.; make FLUM boundary corrections in rural areas; and, add clarity, correct date errors, and make other non-substantive text revisions. [Coordinator: David Weeks, AICP, GMP Manager]

On September 14, 2010, the BCC authorized County Manager or designee to initiate this petition which proposes various amendments to the Future Land Use Element and Future Land Use Map and Map series. Most of the amendments seek only to add clarity, correct errors and omissions, provide updates to map features, and provide harmony and internal consistency. However, exceptions include: 1) changes to Policy 5.1 to allow redistribution of use density and intensity; 2) modification of the Office and Infill Commercial Subdistrict pertaining to its applicability; 3) changes to the Bayshore/Gateway Triangle Redevelopment Overlay (B/GTRO) to delete a development standard, add a use, and add clarity regarding applicability of FLUE Policies; and, 4) update the Collier County Wellhead Protection Areas and Proposed Wellfields and ASRs Map, based upon most recent hydrologic modeling, as required by Objective 1 of the Natural Groundwater Aquifer Recharge Sub-Element and subsequent policies, and Objective 3.3 of the Conservation and Coastal Management Element and subsequent policies.

Staff Recommendation: That the CCPC forward petition CPSP-2010-2 to the BCC with a recommendation to approve for transmittal to the Florida Department of Community Affairs. (Subsequent to the CCPC hearing, staff is requesting Board authorization to initiate, immediately, an amendment to the LDC to update the Wellfields risk management zone maps to correlate with the update to the Wellhead Protection Map so that the LDC amendment may be considered concurrent with the Adoption hearing for this cycle of GMP amendment petitions.)

CCPC Recommendation: That the BCC approve petition CPSP-2010-2 for transmittal to the Florida Department of Community Affairs (vote: 9/0), per County Manager or designee recommendation except subject to modifications to FLUE Policy 5.1 and the Office and Infill Commercial Subdistrict – both for clarity/brevity/simplicity, and revision to the Wellfields Protection Map to add Marco Island Utilities’ Marco Lakes (in northeast quadrant of US-41 East/Collier Blvd. intersection).

Speakers: None.

4. PETITION CPSP-2010-5, Staff petition requesting an amendment to the Future Land Use Element and Future Land Use Map and Map Series, to modify the Davis Boulevard/County Barn Road Mixed-Use Subdistrict by changing it from mixed use to residential and limiting density to a maximum of 5 dwelling units per acre – or possibly repealing the subdistrict in its entirety; the subdistrict is located at the southeast corner of Davis Blvd. (SR 84) and County Barn Road, in Section 8, Township 50 South, Range 26 East, containing of ±22.83 acres. [Coordinator: Corby Schmidt, AICP, Principal Planner]

On December 14, 2010, the BCC held a public hearing to consider rezone petition PUDZ-2004-AR-6829 for the Davis Reserve Mixed-Use Planned Unit Development (MPUD) at the subject site. During that hearing, the applicant withdraw that rezone petition; the BCC directed County Manager or designee to initiate a GMP amendment to the Davis Boulevard/County Barn Road Mixed-Use Subdistrict to remove the traditional neighborhood development requirement, the commercial component, and the affordable housing requirement – with the applicant stating “no objection” to this direction; and, the applicant committed to request a PUD rezone that eliminates the retail and limits the maximum density to five dwelling units per acre (DU/A), and to pay costs for that rezone. From the BCC direction, staff developed two alternatives:

Alternative 1: Modify the Subdistrict to eliminate the commercial component, affordable housing requirement, and all design and development standards, and limit density to a maximum of 5 DU/A; and,

Alternative 2: Eliminate the entire Subdistrict and re-designate the site as Urban Residential Subdistrict (the site’s designation prior to 2005 when the Davis Boulevard/County Barn Road Mixed-Use Subdistrict was established).

Staff Recommendation: That the CCPC forward petition CPSP-2010-5 to the BCC with a recommendation to approve Alternative 2 for transmittal to the Florida Department of Community Affairs.

CCPC Recommendation: That the BCC approve petition CPSP-2010-5, per County Manager or designee recommendation, for transmittal to the Florida Department of Community Affairs (vote: 9/0).

Speakers: None.

STAF RECOMMENDATION:

Staff recommendations for the 2010 cycle of Growth Management Plan amendments, including one 2008 cycle petition, are as reflected above following each petition. Additionally, County Manager or designee is requesting Board authorization to initiate, immediately, an amendment to the LDC to update the Wellfields risk management zone maps to correlate with the update to the Wellhead Protection Map in the FLUE (part of petition CPSP-2010-2) so that the LDC amendment may be considered concurrent with the Adoption hearing for this cycle of GMP amendment petitions.

CCPC RECOMMENDATION:

The Collier County Planning Commission held their required public hearing on October 19 and 20, 2009 (CP-2008-1), and December 16, 2010 and January 20, 2011 (CP-2010-1 and CPSP-2010-2), and February 17, 2011 (CPSP-2010-5, 2010). The CCPC forwarded the 2010 cycle of Growth Management Plan amendments, including one 2008 cycle petition, to the Board of County Commissioners with recommendations as reflected above following each petition.

Prepared by: David Weeks, AICP, GMP Manager, Comprehensive Planning Section, Land Development Services Department, Growth Management Division/Planning and Regulation

Attachments: 1) CP-2008-1 Supplemental Report for the BCC; 2) CP-2008-1 Resolution with Exhibit "A" Text; 3) CP-2010-1 Resolution with Exhibit "A" Text; 4) CPSP-2010-2 Resolution with Exhibit "A" Text; 5) CPSP-2010-5 Resolution with Exhibit "A" Text