

RESOLUTION NO. 11- 59

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS PROPOSING AMENDMENT TO THE COLLIER COUNTY GROWTH MANAGEMENT PLAN, ORDINANCE NO. 89-05, AS AMENDED, SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT TO CHANGE THE SQUARE FOOT LIMITATION IN THE VANDERBILT BEACH ROAD NEIGHBORHOOD COMMERCIAL SUBDISTRICT FOR CERTAIN USES AND FURTHERMORE RECOMMENDING TRANSMITTAL OF THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.

WHEREAS, Collier County, pursuant to Section 163.3161, *et. seq.*, Florida Statutes, the Florida Local Government Comprehensive Planning and Land Development Regulation Act, was required to prepare and adopt a comprehensive plan; and

WHEREAS, the Collier County Board of County Commissioners adopted the Collier County Growth Management Plan on January 10, 1989; and

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 provides authority for local governments to amend their respective comprehensive plans and outlines certain procedures to amend adopted comprehensive plans pursuant to Sections 163.3184 and 163.3187, Florida Statutes; and

WHEREAS, Collier County has prepared a plan amendment to the Future Land Use Element of its Growth Management Plan; and

WHEREAS, the Collier County Planning Commission, on January 20, 2011, considered the proposed amendment to the Growth Management Plan pursuant to the authority granted to it by Section 163.3174, Florida Statutes, and recommended approval of said amendment to the Board of County Commissioners; and

WHEREAS, upon receipt of Collier County's proposed Growth Management Plan amendment, various State agencies and the Department of Community Affairs (DCA) have ninety (90) days to review the proposed amendment and DCA must transmit, in writing, to Collier County, its comments along with any objections and any recommendations for modification, within said ninety (90) days pursuant to Section 163.3184, Florida Statutes; and

WHEREAS, Collier County, upon receipt of the written comments from DCA, must adopt with changes, or not adopt, the proposed Growth Management Plan amendment within sixty (60) days of such receipt pursuant to Section 163.3184, Florida Statutes; and

WHEREAS, the DCA, within forty-five (45) days of receipt of Collier County's adopted Growth Management Plan amendment, must review and determine if the Plan amendment is in compliance with the Local Government Comprehensive Planning and Land Development Act of 1985; the State Comprehensive Plan; the appropriate Regional Policy Plan and Rule 9J-5, Florida Administrative Code, pursuant to Section 163.3184, Florida Statutes.

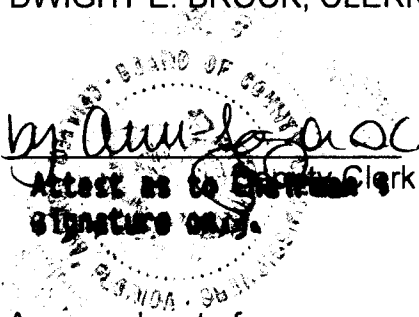
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

The Board of County Commissioners hereby approves the proposed text amendment to the Growth Management Plan, attached hereto as Exhibit A and incorporated by reference herein, for the purpose of transmittal to the Department of Community Affairs thereby initiating the required State evaluation of the Growth Management Plan amendment, prior to final adoption and State determination of compliance with the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 and Rule 9J-5, Florida Administrative Code, Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance.

22nd THIS RESOLUTION ADOPTED after motion; second and majority vote this day of March 2011.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA


by Amelia Brock
Attest as to Clerk's
signature only.

BY: Fred W. Coyle
FRED W. COYLE, Chairman

Approved as to form
and legal sufficiency:

Heidi Ashton-Cicko
Heidi Ashton-Cicko
Assistant County Attorney
Land Use Section Chief

CP\10-CMP-00785\11

CP-2010-1 GMP Transmittal Resolution

Exhibit A

CP-2010-1

I. URBAN DESIGNATION

[Page 44]

A. Urban Mixed Use District

16. Vanderbilt Beach Road Neighborhood Commercial Subdistrict

The purpose of this Subdistrict is to provide primarily for neighborhood commercial development at a scale not typically found in the Mixed Use Activity Center Subdistrict.

The intent is to provide commercial uses to serve the emerging residential development in close proximity to this Subdistrict, and to provide employment opportunities for residents in the surrounding area. Allowable uses shall be a variety of commercial uses as more particularly described below, and mixed use (commercial and residential). Prohibited uses shall be gas stations and convenience stores with gas pumps, and certain types of fast food restaurants.

This Subdistrict consists of two parcels comprising approximately 17 acres, located on the north side of Vanderbilt Beach Road and east of Livingston Road, as shown on the Subdistrict Map. For mixed-use development, residential density shall be limited to sixteen dwelling units per acre. Residential density shall be calculated based upon the gross acreage of the Subdistrict parcel on which it is located (Parcel 1 or Parcel 2). Rezoning of the parcels comprising this Subdistrict is encouraged to be in the form of a PUD, Planned Unit Development. At the time of rezoning, the applicant must include architectural and landscape standards for each parcel.

a. Parcel 1

This parcel is located at the intersection of Livingston Road and Vanderbilt Beach Road. A maximum of 100,000 square feet of gross leasable floor area for commercial uses may be allowed. Allowable uses shall be the following, except as prohibited above: retail, personal service, restaurant, office, and all other uses as allowed, whether by right or by conditional use, in the C-1 through C-3 zoning districts as set forth in the Collier County Land Development Code, Ordinance 04-41, as amended, in effect as of the date of adoption of this Subdistrict (Ordinance No. 2005-25 adopted on June 7, 2005); other comparable and/or compatible land uses not found specifically in the C-1 through C-3 zoning districts, limited to: general and medical offices, government offices, financial institutions, personal and business services, limited indoor recreational uses, and limited retail uses; mixed-use development (residential and commercial uses). The maximum floor area for any single commercial user shall be 20,000 square feet, except for a grocery/supermarket, physical fitness facility, craft/hobby store, home furniture/furnishing store, or department store use, which shall not exceed a maximum of 50,000 square feet.

(Words underlined are added, words ~~struck through~~ are deleted)

b. Parcel 2

This parcel is located approximately ¼ mile east of Livingston Road and is adjacent to multifamily residential uses. A maximum of 80,000 square feet of gross leasable floor area for commercial uses may be allowed. Allowable uses shall be the following, except as prohibited above: General and medical offices, community facilities, and business and personal services, all as allowed, whether by right or by conditional use, in the C-1 through C-3 zoning districts as set forth in the Collier County Land Development Code, Ordinance 04-41, as amended, in effect as of the date of adoption of this Subdistrict (Ordinance No. 2005-25 adopted on June 7, 2005). The maximum floor area for any single commercial user shall be 20,000 square feet.

At the time of rezoning of Parcel 2, the developer shall provide restrictions and standards to insure that uses and hours of operation are compatible with surrounding land uses. Permitted uses such as assisted living facilities, independent living facilities for persons over the age of 55, continuing care retirement communities, and nursing homes, shall be restricted to a maximum of 200 units and a maximum floor area ratio (FAR) of 0.6. The developer of Parcel 2 shall provide a landscape buffer along the eastern property line, abutting the Wilshire Lakes PUD, at a minimum width of thirty (30) feet. At the time of rezoning, the developer shall incorporate a detailed landscape plan for that portion of the property fronting Vanderbilt Beach Road as well as that portion along the eastern property line, abutting the Wilshire Lakes PUD.

In addition to the prohibited uses applicable to both parcels, the following list of uses shall also be prohibited on Parcel 1.

- 0742 – Veterinary services for Animal Specialties – Horses are prohibited, other animals are allowed
- 0752 – Animal specialty services, except Veterinary (dog grooming is allowed)
- 5261 – Retail nurseries, lawn and garden supply stores
- 5499 – Poultry dealers – retail and egg dealers – retail
- 5531 – Auto and home supply store, except automobile accessory and parts dealers – retail (no on-site installation)
- 5813 – Drinking places (alcoholic beverages)
- 5921 - Liquor stores exceeding 5,000 square feet
- 5932 – Uses merchandise stores
- 5962 – Automatic merchandising machine operators
- 7211 – Power laundries, family and commercial
- 7215 – Coin-operated laundries and drycleaning
- 7216 – Drycleaning plants, except rug cleaning
- 7299 – Miscellaneous personal services, not elsewhere classified
 - Coin operated service machine operations
 - Comfort station operation
 - Escort service
 - Locker rental
 - Massage parlors (except those employing licensed therapists)
 - Rest room operation
 - Tattoo parlors
 - Turkish baths

(Words underlined are added, words ~~struck through~~ are deleted)

Wedding chapels, privately operated
7389 – Business services, not elsewhere classified, except Appraisers
7623 – Refrigeration and air-conditioning service and repair shops
7629 – Electrical and electronic repair shops, not elsewhere classified
7641 – Re-upholstery and furniture repair
7692 – Welding repair
7694 – Armature rewinding shops
7699 – Repair shops and related services, not elsewhere classified
7841 – Adult oriented video tape rental
7993 – Coin operated amusement devices
8641 – Civic, social and fraternal associations

CCPC Recommendation: Not part of the Subdistrict Text

As a condition of approval, and prior to the adoption of this Growth Management Plan amendment, the owner shall record in the official land records restrictive covenants for the benefit of surrounding property owners, including the Orchards, Village Walk, Tiburon at Pelican Marsh and Wilshire Lakes, that will prohibit the prohibited uses contained within the Subdistrict.

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