



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

RICK SCOTT
Governor

February 24, 2011

BILLY BUZZETT
Secretary

Mr. Nick Casalanguida, Deputy Administrator
Collier County Growth Management Division
2800 North Horseshoe Drive
Naples, Florida 34104

Dear Mr. Casalanguida:

Thank you for submitting Collier County's proposed comprehensive plan amendments for our review. Our reference number for this amendment package is **Collier County 11D-1**.

We have conducted an inventory of the plan amendment package to verify the inclusion of all required materials. The submission package appears to be complete, and your proposed plan amendment will be reviewed pursuant to Chapter 163, Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. The Department's ORC report will be mailed to you on or about **April 24, 2011**.

Please be advised that Section 163.3184(8)(c), Florida Statutes, requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. Please provide these required names and addresses to the Department *when you transmit your adopted amendment package* for compliance review. In the event no names, addresses are provided, please provide this information as well. For efficiency, we encourage that the information sheet be provided in electronic format.

If you have any questions please contact Brenda Winnigham, Regional Planning Administrator, that will be overseeing the review of the amendments, at (850) 487-4545.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/af

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦



STATE OF FLORIDA

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MEMORANDUM

TO Jim Quinn, DEP
Susan Harp, DOS
Tracy Suber, DOE
FDOT1- Crawley/Massey
David Crawford, Southwest Florida RPC
Jim Jackson, South Florida WMD
Wendy Evans, AG
Mary Ann Poole, FWC

DATE: February 24, 2011

SUBJECT: *COMMENTS FOR PROPOSED COMPREHENSIVE PLAN AMENDMENT*

LOCAL GOVERNMENT/ DCA AMENDMENT #: Collier County 11D-1

CONTACT PERSON/PHONE NUMBER: Brenda Wunningham 850/487-4545

COMMENTS DUE TO DCA NO LATER THAN: March 25, 2011

Please contact the local government if you do not have a copy of the proposed amendment. Please review the proposed comprehensive plan amendment documents for consistency with applicable provisions of Chapter 163, Florida Statutes, pursuant to Rule 9J-5, Florida Administrative Code. Pursuant to Florida Statute 163.3184(4), forward objections, recommendation and comments to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address: DCPexternalagencycomments@dca.state.fl.us

Please use the above referenced **DCA AMENDMENT NUMBER** on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment*. Also, letter to the local government from DCA acknowledging receipt of amendment is attached.

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♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
COLLIER COUNTY**

The Council staff has reviewed proposed amendments to the Collier County Comprehensive Plan (DCA 011D-1). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DCA 11D-1 (CP-2006-11)	yes	yes	yes	(1) regionally significant; and (2) conditionally consistent with SRPP

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Collier County.

**LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND
DEVELOPMENT REGULATION ACT**

Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda
Collier County, Everglades City, Marco Island, Naples
Glades County, Moore Haven
Hendry County, Clewiston, LaBelle
Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice

Comprehensive Plan Amendments

A local government may amend its plan twice a year. (Amendments related to developments of regional impact, certain small developments, compliance agreements, and the Job Siting Act are not restricted by this limitation.) Six copies of the amendment are sent to the Department of Community Affairs for review. A copy is also sent to the regional planning council, the water management district, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

[s. 163.3184(3)(a)]

The proposed amendment will be reviewed by DCA in two situations. In the first, there must be a written request to DCA. The request for review must be received within forty-five days after transmittal of the proposed amendment. [s. 163.3184(6)(a)] Review can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DCA can decide to review the proposed amendment without a request. In that case, DCA must give notice within thirty days of transmittal.

[(s. 163.3184(6)(b))]

Within five working days after deciding to conduct a review, DCA must forward copies to various reviewing agencies, including the regional planning council. [s. 163.3184(4)]

Regional Planning Council Review

The regional planning council must submit its comments in writing within thirty days of receipt of the proposed amendment from DCA. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the regional planning council must be limited to "effects on regional resources or facilities identified in the strategic regional policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government."

[s. 163.3184(5)]

After receipt of comments from the regional planning council and other reviewing agencies, DCA has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DCA transmits its written comments to the local government.

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) AND THE RULE (9J-11, FAC) FOR DETAILS.

**SOUTHWEST FLORIDA
REGIONAL PLANNING COUNCIL
COMPREHENSIVE PLAN AMENDMENT REVIEW**

1. Local Government Name:

Collier County

2. Amendment Number:

DCA 1D-1

3. Did the RPC prepare the Plan Amendment: (YES) (NO)

No

4. Date DCA Notified RPC that Amendment Package was Complete, if Applicable:

February 24, 2011

5. Date Amendment Review must be Completed and Transmitted to DCA:

March 25, 2011

6. Date the Review was Transmitted to DCA:

March 25, 2011

7. Description of the Amendment:

The proposed amendments seek to amend the County's Growth Management Plan by changing the Plan's Future Land Use Element (FLUE), Future Land Use Map (FLUM), and Conservation and Coastal Management Element. Specifically, the proposed amendments, if approved, will allow the following actions:

- a. Reconfigure the boundary and increase the size of the southeast quadrant of the Mixed Use Activity Center No. 7 (Rattlesnake Hammock Road and Collier Boulevard) The amendment expands the size of the southeast quadrant of the

Activity Center by 9.16 acres in order to increase the intensity of commercial uses within Activity Center No. 7;

- b. Increase the maximum allowable density that may be achieved within the Urban Residential Fringe Subdistrict (URF) portion of the project lying in more than one Future Land Use designation through enhanced utilization of eligible Transferable Development Rights (TDRs). The amendment would allow an increase in the maximum transferred TDR density from 1.0 to 1.3 units per acre and the 2.5 unit-per-acre maximum achievable density to 2.8 units per acre to use all qualifying TDRs within the Hacienda Lakes project. The change would allow an additional 187 residential units to be placed on the developable portion of the project;
- c. Provide a definitive access provision for a Business Park located in the URF portion of the development. This change would allow The Lord's Way roadway to serve as access to a Business Park as well as to various residential areas in the Hacienda Lakes project; and
- d. Allow for native vegetation preservation in the URF portion of a project when the required amount of native vegetation preservation is proportionally increased in the Sending Lands portion of the project – as they relate to the proposed Hacienda Lakes Development of Regional Impact (DRI) and Mixed Use Planned Unit Development (MPUD) requests. This amendment shifts a portion of the FLUE native vegetation preservation from Urban Lands to RFMUD Sending Lands to protect the highest quality wetlands and habitat within the Hacienda Lakes project.

e. Is the Amendment consistent with the Strategic Regional Policy Plan:

Council staff has reviewed the proposed amendments and find that the requested changes are conditionally consistent with the Strategic Regional Policy Plan (SRPP). Council staff finds that they proposed amendments are consistent with the SRPP with the condition that the amendments are only approved at such time as the final Hacienda Lakes DRI Development Order is approved and that the impacts from the Hacienda Lakes development have been properly mitigated.

f. Applicable Strategic Regional Policy Plan Goals, Strategies and Actions:

Council staff finds that the proposed amendments are consistent with the following SRPP Goals, Strategies and Actions if the Hacienda Lakes DRI Development Order is approved:

Economic Infrastructure

Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.

Strategy: Ensure the adequacy of lands for commercial and industrial centers, with suitable services provided.

Action 2: Identify existing urban lands and transportation corridors for development or redevelopment, and ensure adequate access and services are provided.

Action 3: Include in planning efforts the recognition of lands with natural capacity, accessibility, previous preparation for urban purposes, and adequate public facilities.

Livable Communities

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

Strategy: Develop livable, integrated communities that offer residents a high quality of life

Action 1: Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

Action 2: Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

Livable Communities

Goal 4: Livable communities designed to improve quality of life and to provide for the sustainability of our natural resources.

Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.

Action 8: Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.

Action 9: Insure that opportunities for governmental partnerships and public/private partnerships in preserving wildlife habitats are maximized.

Regional Cooperation

Goal 5: Effective resource management is maintained across the borders of sovereign public agencies.

Strategy: All plans concerning the same resource shall have as objectives the same effective results.

Action 7: The SWFRPC will continue to coordinate with the entities of the South Florida Ecosystem Restoration Task Force Working Group in their restoration efforts.

g. The effects of the Proposed Amendment on Regional Resources or Facilities Identified in the Strategic Regional Policy Plan:

The proposed development that would result if this requested amendments are approved is found by the Council staff to be regionally significant because the southeast quadrant of the subject site is located in the Hacienda Lakes DRI and is therefore regionally significant by definition and therefore will have significant impact on the Picayune Strand National Forest located east of the proposed development and Collier Boulevard (CR 951) which have been

determined to be regional resources. Because a portion of the subject site is also part of the Hacienda Lakes DRI that is currently being processed, significant portions of the impacts from the proposed amendments will be mitigated. Council staff finds that the proposed development's impacts to the Picayune Strand National Forest and CR 951 will be mitigated through the DRI and therefore does not object to the reconfiguration to the boundary and the increase the size of the southeast quadrant of the Mixed Use Activity Center No. 7; the increase in the maximum allowable density that may be achieved within the Urban Residential Fringe Subdistrict (URF) portion of the project lying in more than one Future Land Use designation through enhanced utilization of eligible Transferable Development Rights (TDRs); the improved access provided by The Lord's Way roadway to serve as access to a Business Park as well as to various residential areas in the Hacienda Lakes project; and to native vegetation preservation in the URF portion of a project when the required amount of native vegetation preservation is proportionally increased in the Sending Lands portion of the project – as they relate to the proposed Hacienda Lakes Development of Regional Impact (DRI) and Mixed Use Planned Unit Development (MPUD) requests.

h. Extra-Jurisdictional Impacts that would be Inconsistent with the Comprehensive Plan of the Affected Local Government:

Council staff finds that based on the information provided in the amendment application and the County staff and CCPC comments, the new development that would result in the amended Mixed Use Activity Center No. 7 will not have extra-jurisdictional impacts because the project's estra-jurisdictional/regional impacts will be mitigated through the Hacienda Lakes DRI. In addition, the proposed amendments will not have extra-jurisdictional impacts that would be inconsistent with the County's Comprehensive Plan if the development is approved by Collier County as provided in the application material and the future Hacienda Lakes DRI.

Analysis of the effects on the proposed amendments on the following issues to the extent they are addressed in the Strategic Regional Policy Plan on:

i. Compatibility among local plans including, but not limited to, land use and compatibility with military bases:

If approved, this amendment will result in commercial and residential development that will be consistent with the local plans if the conditions set by the County are satisfied. The proposed amendment will provide for commercial and residential development at a location where commercial development is already approved. The addition of the 187 new residential units provided through the TDR program is not regional in nature due to its limited magnitude. The impacts of the proposed development changes will be mitigated through the DRI. Council staff has review the proposed land use and site plans for the proposed development and finds that the subject development that will be allowed if the proposed amendments are approved are compatible with the adjacent land uses. The proposed amendments will not impact any military bases.

j. Impacts to significant regional resources and facilities identified in the Strategic Regional Policy Plan, including, but not limited to, impacts on groundwater recharge and the availability of water supply:

If approved, this amendment will result in an increase in development on the Mixed Use Activity Center No. 7 area and thereby result in more impervious surfaces in the planning area. This action will reduce the groundwater recharge on the subject site and will increase the potable water consumption in the area, but because a portion of the development site is located within the Hacienda Lakes DRI the impacts from the proposed changes will be mitigated. Council staff finds that the requested amendments to Mixed Use Activity Center No. 7 will have impacts on regional resources, but those impacts will be mitigated through the DRI review process and the issuance of a DRI Development Order.

k. Affordable housing issues and designation of adequate sites for affordable housing:

The proposed amendment will not have impacts on affordable housing in the County. The development that would result from the proposed amendment would be located in a part of the County where sufficient affordable housing may not be available due to the current economic situation of southwest Florida. However, because the Hacienda Lakes DRI will provide for the mitigation of this issue, Council staff finds that the affordable housing issue will be addressed at the time of the approval of the Hacienda Lakes Development Order.

l. Protection of natural resources of regionally significance identified in the Strategic Regional Policy Plan including, but limited to, protection of spring and groundwater resources, and recharge potential:

The development that would result from these amendments will have impacts to regionally significant resources as previously identified in this assessment. However, due to limited magnitude of the changes proposed that specifically relate to Mixed Use Activity Center No. 7, the recharge potential to the areas groundwater resources is found by Council staff not to be significant. There are no springs requiring protection on or near the subject site.

m. Compatibility with regional transportation corridors and facilities including, but not limited to, roadways, seaports, airports, public transportation systems, high speed rail facilities, and intermodal facilities:

The commercial and residential development and associated access request on The Lord's Way roadway will not result in significant new impacts regional roadways. The transportation impacts from the proposed development due to these amendments will be mitigated through the Hacienda Lakes DRI. There are no seaports in southwest Florida. The proposed amendments will have no significant impacts to the region's airports, public transportation systems, or future high speed rail or intermodal facilities.

n. Adequacy and compatibility with emergency preparedness plans and local mitigation strategies including, but not limited to, the impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, and hazard mitigation:

The commercial and residential development that would result from the proposed amendment will not significantly impact the adequacy or compatibility with emergency preparedness plans and local mitigation strategies. The proposed commercial project will not significantly impact the availability of hurricane shelters, maintenance of county hurricane clearance times, or hazard mitigation. These issues as they relate to the portion of Mixed Use Activity Center No. 7 will be addressed and mitigated in the Hacienda Lakes DRI.

o. Analysis of the effects of extra-jurisdiction impacts which may be created by the amendment:

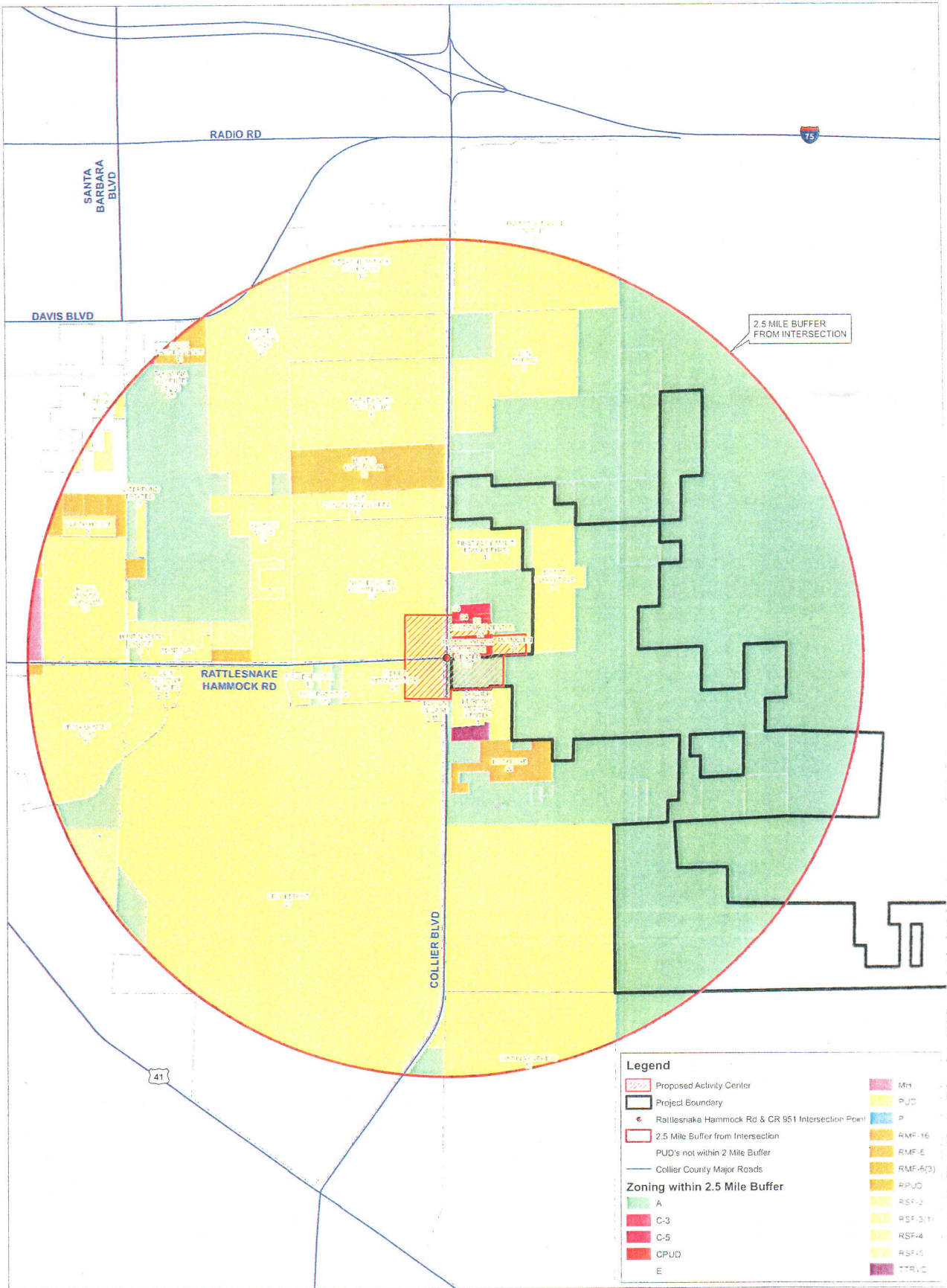
Because the southeastern portion of Mixed Use Activity Center No. 7 is located in the Hacienda Lakes DRI, the development that would result from the requested amendment, there are regionally significant and thereby will have extra-jurisdictional impacts by definition and due to the fact that the proposed development will impact Collier Boulevard (CR 951) and the Picayune Strand National Forest which are regional resources. These impacts however will be mitigated through the DRI review process and the Hacienda Lakes DRI Development Order.

Attachment III

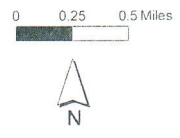
Maps

**Collier County
DCA 11D-1**

**Proposed Comprehensive Plan Amendments
Site Locations**



Hacienda Lakes
Study Area 2.5 Miles from Intersection

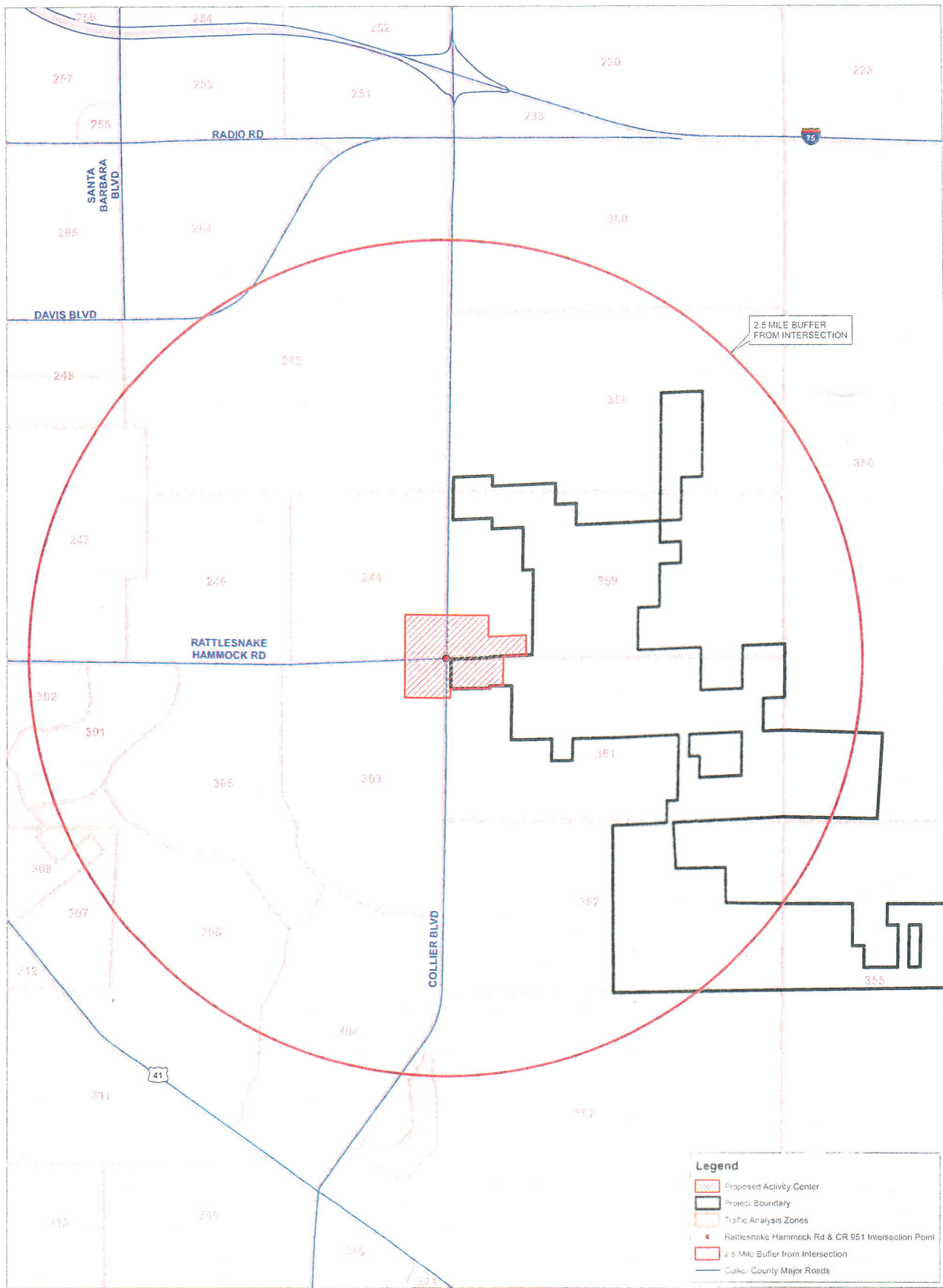


Legend

- Proposed Activity Center
- Project Boundary
- Rattlesnake Hammock Rd & CR 951 Intersection Point
- 2.5 Mile Buffer from Intersection
- PUD's not within 2 Mile Buffer
- Collier County Major Roads

Zoning within 2.5 Mile Buffer

A	MH
C-3	PUD
C-5	P
CPUD	RMF-16
E	RMF-6
	RMF-5(3)
	RPUD
	RSF-2
	RSF-3(1)
	RSF-4
	RSF-5
	TRC



Hacienda Lakes
Traffic Analysis Zones

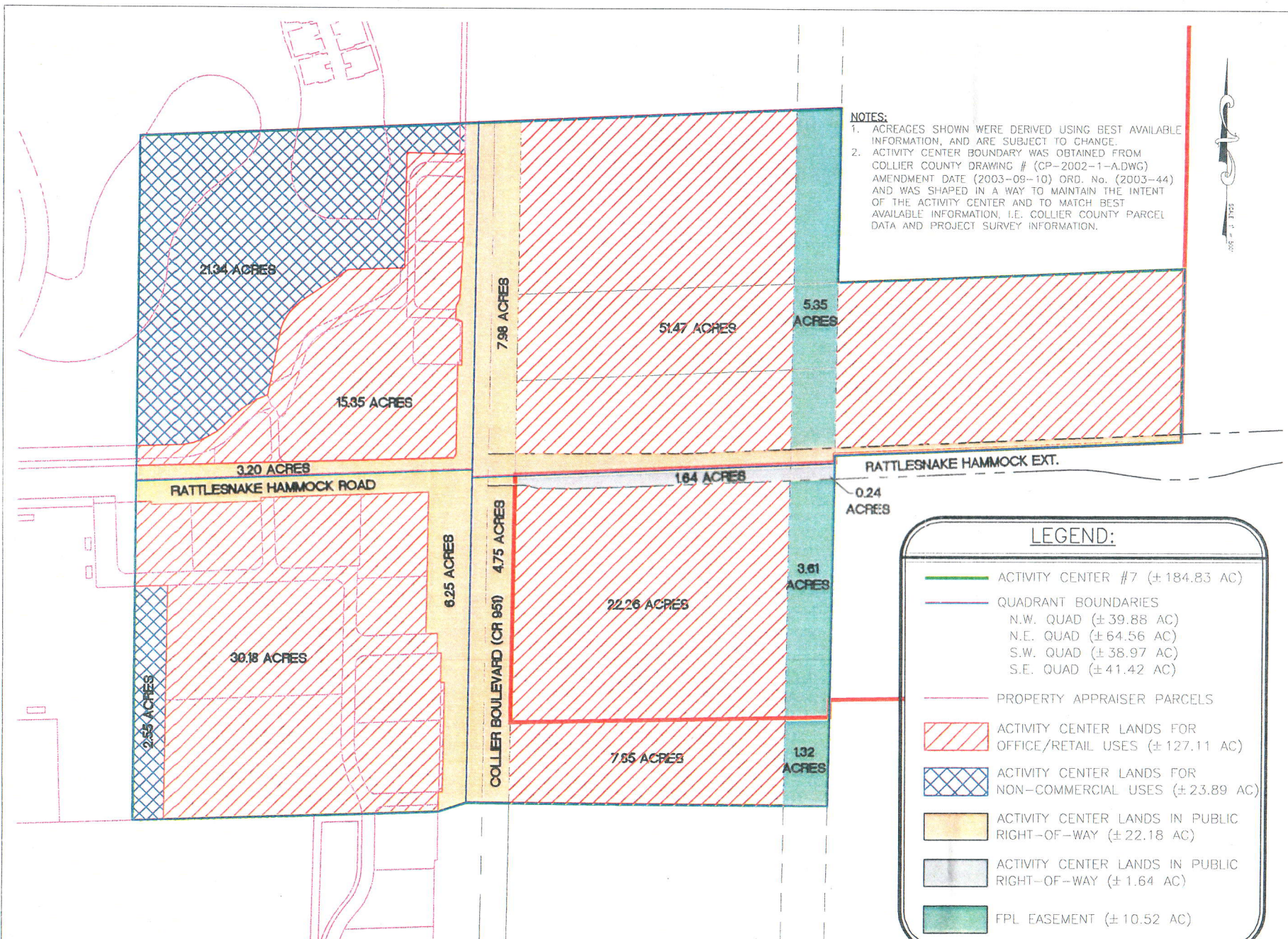


Legend

-  Proposed Activity Center
-  Project Boundary
-  Traffic Analysis Zones
-  Rattlesnake Hammock Rd & CR 951 Intersection Point
-  2.5 Mile Buffer from Intersection
-  Collier County Major Roads



• Planning • Visualization
• Civil Engineering • Surveying & Mapping



NOTES:

1. ACREAGES SHOWN WERE DERIVED USING BEST AVAILABLE INFORMATION, AND ARE SUBJECT TO CHANGE.
2. ACTIVITY CENTER BOUNDARY WAS OBTAINED FROM COLLIER COUNTY DRAWING # (CP-2002-1-A.DWG) AMENDMENT DATE (2003-09-10) ORD. No. (2003-44) AND WAS SHAPED IN A WAY TO MAINTAIN THE INTENT OF THE ACTIVITY CENTER AND TO MATCH BEST AVAILABLE INFORMATION, I.E. COLLIER COUNTY PARCEL DATA AND PROJECT SURVEY INFORMATION.



LEGEND:

- ACTIVITY CENTER #7 (±184.83 AC)
- QUADRANT BOUNDARIES
 - N.W. QUAD (±39.88 AC)
 - N.E. QUAD (±64.56 AC)
 - S.W. QUAD (±38.97 AC)
 - S.E. QUAD (±41.42 AC)
- PROPERTY APPRAISER PARCELS
- ACTIVITY CENTER LANDS FOR OFFICE/RETAIL USES (±127.11 AC)
- ACTIVITY CENTER LANDS FOR NON-COMMERCIAL USES (±23.89 AC)
- ACTIVITY CENTER LANDS IN PUBLIC RIGHT-OF-WAY (±22.18 AC)
- ACTIVITY CENTER LANDS IN PUBLIC RIGHT-OF-WAY (±1.64 AC)
- FPL EASEMENT (±10.52 AC)

November 11, 2010 1:05 PM G:\2005\050150.02.03 Hacienda Lakes MPUD-DR1-ERP\001 General Consultation\0004 - Subtask 1.1 General Consultation - Planning\Exh\0501500203PX25.dwg

	NAME	DATE
DESIGNED:		
DRAWN:	R.M.J.	5-4-10
CHECKED:	D.H.N.	5-4-10

RWA INC.
CONSULTING
 Planning
 Visualization
 Civil Engineering
 Surveying & Mapping

6610 Willow Park Drive, Suite 200
 Naples, Florida 34109
 Phone: (239) 597-0575
 FAX: (239) 597-0578

DATE: MAY, 2010
 HORIZ. SCALE: 1" = 300'
 VERT. SCALE:
 SHEET: TWP. PG.

CLIENT: HACIENDA LAKES OF NAPLES, LLC.

TITLE: ACTIVITY CENTER #7
 EXHIBIT 1

PROJECT: HACIENDA LAKES		
CROSS REFERENCE:	PROJECT NO.: 050150.02.03	SHEET NUMBER: 1 OF 1
	FILE NO.: 051500203PX19	



Southwest Florida Regional Planning Council

Serving Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties

1926 Victoria Ave, Fort Myers, Florida 33901-3414 (239) 338-2550 FAX (239) 338-2560 www.swfrpc.org

March 25, 2011

Mr. D. Ray Eubanks
Community Program Administrator
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Collier County / DCA 11D-1

Dear Mr. Eubanks:

Staff of the Southwest Florida Regional Planning Council reviewed the proposed amendments (DCA 11D-1) to the Collier County Comprehensive Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council will review the proposed amendment at its April 21, 2011 meeting. Council staff has recommended that Council find the requested amendments to be regionally significant and to be conditionally consistent with the Strategic Regional Policy Plan.

A copy of the official staff report explaining the Council staff's recommendation is attached. If Council action differs from the staff recommendation, we will notify you.

Sincerely,

Southwest Florida Regional Planning Council

Kenneth Heatherington
Executive Director

KH/DEC
Attachment

Cc: Nick Casalanguida, Deputy Administrator, Growth Management Division – Planning and Regulation, Collier County