

EXECUTIVE SUMMARY

Recommendation to approve the 2010 Cycle of Growth Management Plan Amendments, including one 2008 Cycle Petition. (Adoption Hearing)

OBJECTIVE:

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

CONSIDERATIONS:

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.*

- Chapter 163, F.S., provides for an amendment process for a local government's adopted Growth Management Plan.
- Resolution 97-431, as amended, provides for a public petition process to amend the Collier County GMP.
- For this Adoption hearing, the 2010 cycle of GMP amendments now consist of four petitions - two private sector petitions and two County-initiated petitions.
- The Environmental Advisory Council (EAC) held its transmittal hearing, for the Wellhead Protection Areas Map portion of petition CPSP-2010-2 only, on December 1, 2010. The Collier County Planning Commission (CCPC), sitting as the "local planning agency" under Chapter 163.3174, F.S., held its transmittal hearings on December 16, 2010 and January 20, 2011 (petitions CP-2010-1 and CPSP-2010-2), February 17, 2011 (petition CPSP-2010-5), and October 19 and 20, 2009 (petition CP-2008-1). The BCC held its transmittal hearings on March 22, 2011 (petitions CP-2010-1, CPSP-2010-2 and CPSP-2010-5), and January 19, 2010 and March 22, 2011 (petition CP-2008-1). The respective transmittal hearings recommendations/actions are contained in the CCPC adoption hearing Staff Reports.
- The EAC held its adoption hearing, for the Wellhead Protection Areas Map portion of petition CPSP-2010-2 only, on July 6, 2011. The CCPC held its adoption hearing on July 21, 2011. The respective adoption hearing recommendations are presented further below, following each petition number and title.
- The Objections, Recommendations and Comments (ORC) Report from the Florida Department of Community Affairs (DCA), dated June 3, 2011, contained no Objections, Recommendations or Comments; one other state agency had a Comment specific to private sector petition CP-2008-1. The ORC Report is contained in the back-up materials.
- This adoption hearing 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.

LEGAL CONSIDERATIONS:

This Executive Summary and GMP amendment ordinances have been reviewed by the County Attorney's office for legal sufficiency. - HFAC

FISCAL IMPACT:

There is some fiscal impact to Collier County as a result of the County-initiated petition CPSP-2010-2 as it will require preparation of one or more subsequent Land Development Code amendments, most notably amendments to the wellfield risk management special treatment overlay zone maps in Section 3.06.00. However, that cost is primarily for existing, budgeted staff time. There are no fiscal impacts to Collier County as a result of the two private sector amendments to the Growth Management Plan in that implementation of these amendments will occur through subsequent development orders (rezone or conditional use, site development plan, building permits, etc.) for which review fees are paid by the petitioner. The exception is if the presumed statutory compliance of any petition is challenged [appealed] by DCA (see Growth Management Impact, below). In such an instance, Collier County may incur expenses to engage in settlement negotiations and/or to prepare for and participate in an Administrative Hearing before an Administrative Law Judge.

GROWTH MANAGEMENT IMPACT:

This is an adoption public hearing for the 2010 cycle of amendments to the Collier County Growth Management Plan. Based upon statutory changes that occurred during the 2011 Florida Legislative session, these GMP amendments are presumed to be "in compliance" with applicable Florida Statutes. After adoption, the DCA will have 30 days to review the adopted Plan amendments and, should they believe an amendment is not "in compliance," file a challenge [appeal] to the presumed "in compliance" determination with the Florida Division of Administrative hearings. Similarly, any affected party also has 30 days in which to file a challenge. If a timely challenge is not filed by DCA or an affected party within 30 days, then the amendments will become effective.

ENVIRONMENTAL ISSUES:

One of the private sector amendments to the Growth Management Plan (CP-2008-1) would increase allowable development intensity. For that site, no listed plant and/or animal species have been observed or are known to be on the site, and that site does not contain jurisdictional wetlands. As part of the process of obtaining subsequent development orders (e.g. rezone and/or conditional use, site development plan), both private sector petition 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:

Neither of the two proposed private sector amendments to the GMP contain lands identified on the County's Historical/Archeological Probability Maps as being in areas of historical or archaeological probability. The Florida Department of State notes the site of petition CP-2008-1 appears to be adjacent to an archaeological high probability area, based upon the County's Probability Maps. During review of subsequent development orders, both of the private sector petition sites will be subject to all applicable local, state and federal historical and archaeological protection regulations.

COMPREHENSIVE PLANNING STAFF RECOMMENDATION:

The Staff recommendation follows each individual petition listed below.

ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:

The EAC held its Adoption hearing on July 6, 2011 (Wellhead Protection Areas Map portion of petition CPSP-2010-2 only); its recommendation follows that petition listed below.

COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION:

The Collier County Planning Commission held its required Adoption public hearing on July 21, 2011. The CCPC recommendation follows each individual petition listed below.

- 1. PETITION CP-2008-1**, Petition requesting an amendment to the Golden Gate Area Master Plan 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-1 through C-3 zoning districts, with exceptions, and some uses of the C-4 and C-5 zoning districts with a 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: That the CCPC forward petition CP-2008-1 to the BCC with a recommendation to adopt subject to the following: (a) limit the overall size (square feet) to that of a neighborhood shopping center (typically 100,000 square feet or less); (b) limit individual users, except for grocer, to a maximum of 20,000 square feet; (c) replace the detailed list of permitted uses with reference to uses allowed in the C-1 through C-3 zoning districts in the Collier County Land Development Code; and, (d) remove the conceptual site plan.

CCPC Recommendation: That the BCC adopt petition CP-2008-1, subject to the following changes, (vote: 7/1): (a) delete certain principal uses; (b) add accessory uses; (c) modify a prohibited use; (d) increase restrictions pertaining to outdoor music prohibition; (e) add maximum square feet for buildings and individual uses. The CCPC-recommended text is reflected in Ordinance Exhibit A for this petition.

There were fifteen public speakers, six opposed and nine in favor.

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 (+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]

Staff Recommendation: That the CCPC forward petition CP-2010-1 to the BCC with a recommendation to adopt as approved for transmittal by BCC.

CCPC Recommendation: That the BCC adopt petition CP-2010-1 (vote: 7/0) as approved for transmittal by BCC [including the recommendation from transmittal hearing that the petitioner record deed restrictions in the public record, by adoption hearings, listing the same prohibited uses as listed in the proposed amendment].

There were no public speakers.

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]

Staff Recommendation: That the CCPC forward petition CPSP-2010-2 to the BCC with a recommendation to adopt with one change to the Wellhead Protection Areas Map: remove the Marco Lakes Reservoir. Both the EAC and CCPC Adoption staff reports provide explanation and rationale for staff's recommendation.

EAC Recommendation: [Only applicable to the Wellhead Protection Areas Map] That the BCC adopt that Map subject to the following two changes, and expressed concerns (vote: 5/0): (a) per staff recommendation, remove the label "Marco Island Utilities Marco Lakes" and associated concentric rings around that location; (b) add a note to the Map to identify the aquifers reflected - surficial and intermediate; (c) concern: that the planned Orangetree Wellfield may negatively impact the Corkscrew Regional Ecosystem Watershed and Corkscrew Swamp; (d) concern: that the Golden Gate Wellfield drawdown may negatively impact private wells in Golden Gate Estates; and, (e) concern/desire: the Water Master Plan updates (Public Utilities Division) are approved by the Board of County Commissioners without benefit of review by the

EAC; the EAC believes the Water Master Plan should be brought before the EAC for review and recommendation as it impacts natural resources under their purview.

CCPC Recommendation: That the BCC adopt petition CPSP-2010-2 per EAC's two recommended map changes, and with the following recommended direction: that staff find a way to protect the Marco Lakes Reservoir (a surface water body that is a source of potable water for Marco Island).

There were no public speakers.

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 delete the Davis Boulevard/County Barn Road Mixed Use Subdistrict and re-designate the site as Urban Residential Subdistrict for property consisting of approximately 22.83 acres located at the southeast corner of the intersection of Davis Boulevard (SR 84) at County Barn Road, in Section 8, Township 50 South, Range 26 East. [Coordinator: Corby Schmidt, AICP, Principal Planner]

Staff Recommendation: That the CCPC forward petition CPSP-2010-5 to the BCC with a recommendation to adopt as approved for transmittal by BCC.

CCPC Recommendation: That the BCC adopt petition CPSP-2010-5 as approved for transmittal by BCC (vote: 7/0).

There were no public speakers.

STAFF RECOMMENDATION:

Staff recommendations for the 2010 cycle of Growth Management Plan amendments, including one 2008 cycle petition, are as reflected above following each petition.

CCPC RECOMMENDATION:

The Collier County Planning Commission held their required public hearing on July 21, 2011. 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) CCPC Adoption Staff Report; 2) CP-2008-1 Ordinance with Exhibit "A" Text; 3) CP-2010-1 Ordinance with Exhibit "A" Text; 4) CPSP-2010-2 Ordinance with Exhibit "A" Text; 5) CPSP-2010-5 Ordinance with Exhibit "A" Text