

**ENVIRONMENTAL ADVISORY COUNCIL**

**STAFF REPORT**

**MEETING OF AUGUST 7, 2013**

**I. NAME OF PETITIONER/PROJECT**

**Petition No's:** CP-2013-4 / PL-20130000365

**Petition Name:** Petition to amend the Future Land Use Map (FLUM) of the Growth Management Plan to re-designate land from the Agricultural/Rural, Rural Fringe Mixed-Use District (RFMUD) Neutral Lands Designation to the RFMUD Receiving Lands Designation. *[TRANSMITTAL MEETING]*

**Applicant/Owner:**

Olde Florida Golf Club, Inc.  
William Barton, Corporate Secretary

**Agents:**

Margaret Perry, AICP  
Stantec Consulting Services, Inc.

Richard D. Yovanovich, Esq.  
Coleman, Yovanovich & Koester, P.A.

**Engineering Consultant:**

Raymond Piacente, PMP, LEED AP  
Stantec Consulting Services, Inc.

**Environmental Consultants:**

Thomas Trettis, PWS, CSE  
Stantec Consulting Services, Inc.

**II. LOCATION**

The ±554 acre subject property is located on north side of [the eastern terminal end of] Vanderbilt Beach Road, in Section 31, Township 48 South, Range 27 East, Collier County, Florida. The Cypress Canal abuts the southerly boundary, and the northern terminal ends of 17<sup>th</sup> St. NW thru 23<sup>rd</sup> St. NW are across this stormwater management canal to south.

**III. DESCRIPTION OF SURROUNDING PROPERTIES**

**Subject Site:** The subject site is zoned A-MHO-RFMUO, Neutral Lands (Rural Agricultural District-Mobile Home Overlay, Rural Fringe Mixed Use-Neutral Lands Overlay) and designated Agricultural/Rural, Rural Fringe Mixed Use District, Neutral Lands on the Future Land Use Map. The subject site is partially developed with a golf course and is elsewhere wooded lands.

**Surrounding Lands:**

**North:** Lands to the north of the subject site are zoned A-MHO-RFMUO, Receiving Lands and designated Agricultural/Rural, Rural Fringe Mixed Use District, Receiving Lands on the Future Land Use Map. With the exception of scattered large-lot single-family residences built on

Richmond Street, Krapke Road, Rivers Road and Moulder Drive, this area is also a portion of undeveloped TwinEagles AGR South. There are some nursery and land care businesses, horse stables and equestrian facilities, and other rural businesses in this area. The southern terminal ends of [all but one of] these rural roads do not reach as far south as the subject site. The maximum density achievable for non-Rural Village Receiving Lands' development is 1 dwelling unit per acre, through participation in the Transfer of Development Rights (TDR) program.

**West:** Lands to the west of the subject site are zoned A-RFMUO, Receiving Lands and designated Agricultural/Rural, Rural Fringe Mixed Use District, Receiving Lands on the Future Land Use Map. They are currently developed with a golf course (Golf Club of the Everglades). This neighbor has approached the County with the prospect of combining their property with the subject site to develop a unified residential community. The maximum density achievable for non-Rural Village Receiving Lands' development is 1 dwelling unit per acre, through participation in the Transfer of Development Rights (TDR) program.

**South:** Lands to the south of the subject site are zoned E-Estates, and designated Estates on the Future Land Use Map. This area is developed with single-family residences in the antiquated Golden Gate Estates subdivision. Residential density for residential estates is 1 dwelling unit per 2.25 acres, or 1 dwelling unit per legal non-conforming lot/parcel of record.

**East:** The zoning on lands to the east of the subject site is split between A-MHO-RFMUO, Sending Lands – designated Agricultural/Rural, Rural Fringe Mixed Use District, Sending Lands on the Future Land Use Map (southerly portion), and A-MHO-RFMUO, Receiving Lands – designated Agricultural/Rural, Rural Fringe Mixed Use District, Receiving Lands on the Future Land Use Map (northerly portion). A 300-foot wide linear Wildlife Corridor lies between the subject site and developable lands to the east. With the exception of a few residences, this area is undeveloped. This neighbor has submitted the preliminary plat plans to the County to develop a residential community, as TwinEagles Phase III. Density is limited to 1 dwelling unit per 40 acres, or 1 dwelling unit per legal non-conforming lot/parcel of record, in Sending Lands. The maximum density achievable for non-Rural Village Receiving Lands' development is 1 dwelling unit per acre, through participation in the Transfer of Development Rights (TDR) program.

In summary, the existing land uses in the area immediately surrounding the subject site are predominantly undeveloped or sparsely developed rural-type residential. The Receiving Lands FLUM designation allows the same land uses in these areas as proposed on the subject site, except to the south and except on the Sending Lands to the east.

#### **IV. PROJECT DESCRIPTION**

This Petition seeks to amend the Future Land Use Map (FLUM) of the Growth Management Plan to re-designate the subject site from Agricultural/Rural, Rural Fringe Mixed-Use District (RFMUD) Neutral Lands to RFMUD Receiving Lands, affecting approximately 553.7 acres. This re-designation would allow for an increase in residential density from 1 dwelling unit/5 acres to 1 dwelling unit/acre for non-Rural Village development, through participation in the TDR program, and would decrease the native vegetation retention requirement from 60% to 40%.

## V. GROWTH MANAGEMENT PLAN CONSISTENCY

### Background and Considerations –

**History of the Rural Fringe GMP Amendments:** The Governor and Cabinet issued a Final Order on June 22, 1999, pertaining to GMP amendments adopted in 1997 pursuant to the 1996 Evaluation and Appraisal Report (EAR). The Final Order required the County to conduct a Rural and Agricultural Assessment for the Rural and Conservation Designated lands within the County, and then adopt measures to protect natural resources such as wetlands, wildlife and their habitats, and prevent the premature conversion of unique agricultural lands to other uses. This was to be accomplished while directing incompatible land uses away from these sensitive lands by employing creative land planning techniques.

The Final Order allowed the County to conduct this Assessment in phases. Accordingly, the County divided the Assessment into two geographical areas, the Rural Fringe Area and the Eastern Lands Area. Relevant to this petition, the Rural Fringe Mixed Use District (RFMUD) was established. The RFMUD represents a transitional area between Golden Gate Estates and the County's urban area, and between the urban area and vast agricultural lands and agricultural operations farther to the east. The RFMUD consists of approximately 73,222 acres and is divided into three distinct designations: Sending Lands ( $\pm$  41,535 ac. orig.;  $\pm$  41,414 ac. now), Receiving Lands ( $\pm$  22,020 ac. orig.;  $\pm$  22,373 ac. now), and Neutral Lands ( $\pm$  9,667 ac. orig.;  $\pm$  9,427 ac. now). Allowable uses, density, and preservation standards vary by designation.

*Note: If Olde Florida Golf Club amendment is adopted, acreage figures would be closer to: Sending Lands ( $\pm$  41,414 ac.) – no change, Receiving Lands ( $\pm$  23,128 ac.), and Neutral Lands ( $\pm$  8,873 ac.).*

Sending Lands are those lands that have the highest degree of environmental value and sensitivity and generally include significant wetlands, uplands, and habitat for listed species. The preservation standard for non-NRPA (Natural Resource Protection Area) Sending Lands is eighty percent (80%) of the native vegetation on site while the standard for NRPA Sending Lands is ninety percent (90%). Density is limited to 1 dwelling unit per 40 acres or 1 dwelling unit per legal non-conforming lot/parcel of record (created on or before June 22, 1999). Transfer of development rights from Sending Lands may occur at a rate of 1 dwelling unit credit per five acres (0.2 du/ac.) or 1 dwelling unit per legal non-conforming lot/ parcel of record – or as much as 4 dwelling unit credits per five acres or lot of record with use of density bonus credits. Permitted non-residential uses are limited to: agricultural uses, consistent with the Florida Right to Farm Act; habitat preservation and conservation uses; passive parks and other passive recreational uses; sporting and recreational camps; limited essential services; and oil extraction and related processing.

Receiving Lands are those lands identified as being the most appropriate for development and to which residential units may be received from areas designated as Sending Lands. The preservation standard for Receiving Lands, except for the North Belle Meade Overlay, is forty percent (40%) of the native vegetation present, not to exceed twenty-five percent (25%) of the total site area to be preserved. The base residential density (non-Rural Village development) is 1 dwelling unit per 5 acres (0.2 du/ac.) or 1 dwelling unit per legal non-conforming lot/parcel of record. The maximum density achievable for non-Rural Village development is 1 dwelling unit

per acre, through the Transfer of Development Rights (TDRs). The minimum and maximum density for Rural Village development within Receiving Lands is 2 dwelling units per acre and 3 dwelling units per acre, respectively, except that the minimum density for Rural Village development on Receiving Lands within the North Belle Meade Overlay is 1.5 dwelling units per acre. Permitted non-residential uses are primarily the same as those uses permitted in the agricultural zoning district prior to the Final Order in 1999 (e.g. full range of agricultural uses, community facilities, recreational uses, etc.).

Neutral Lands are those lands suitable for semi-rural residential development. Generally, Neutral lands have a higher ratio of native vegetation than lands designated as Receiving Lands, but do not have values approaching those in the Sending Lands. The preservation standard for Neutral Lands is sixty percent (60%) of the native vegetation present, not to exceed forty-five percent (45%) of the total site area to be preserved. The maximum residential density is limited to 1 dwelling unit per 5 acres (0.2 du/ac.) or legal non-conforming lot/parcel of record. These lands are “neutral” to the TDR program and do not generate or receive residential density. Permitted non-residential uses are primarily the same as the uses permitted in the agricultural zoning district prior to the Final Order in 1999 (e.g. full range of agricultural uses, community facilities, recreational uses, etc.).

**Considerations Specific to the Olde Florida Golf Club:** The Olde Florida Golf Club property lies within the Agricultural/Rural Designation, Rural Fringe Mixed Use District (RFMUD), Neutral Lands, as depicted on Collier County’s Future Land Use Map (FLUM). Neutral Lands designated areas allow golf courses and single-family residential units by right.

Olde Florida Golf Club was approved by Conditional Use in 1999, and in November 2001, by Site Development Plan (AR-1383). The 18-hole golf course, its clubhouse and maintenance facilities occupy the developed portions of the subject site. An existing conservation area comprising approximately 51 acres would remain unchanged.

The County’s Transfer of Development Rights (TDR) program provisions were not applicable at the time of Olde Florida original approval. TDR program provisions apply only to extent that they presently prohibit the transfer of development rights into or out of Neutral Lands. If approved, the Olde Florida development would be eligible to utilize not only the base density entitlements generated by developing property located in Receiving Lands but also the TDR entitlements accompanying the new FLU designation, as the transfer of development rights into the development would no longer be prohibited.

**Environmental Impacts:** Collier County Department of Natural Resources personnel reviewed this petition and provided the following analysis:

The GMP amendment proposes to change the FLUM designation of Olde Florida Golf Club from RFMUD Neutral Lands to RFMUD Receiving Lands. The applicant states that adoption of the amendments would allow the petitioner to utilize TDRs from RFMUD Sending Lands and add residential density in the Olde Florida Golf Club. Environmental information submitted with the application, are as follows:

1. FLUCFCS Code map with standard modifiers identifying percent exotic and nuisance vegetation coverage
2. Native vegetation retention calculations based on the updated FLUCFCS Code map, and information in accordance with Ordinance No. 10-08
3. Listed species survey for the site, dated October 15, 2008
4. A list of state and federal listed species know to inhabit biological communities similar to those found on site
5. SFWMD and USACOE wetland jurisdiction determinations
6. Cultural resource summary and assessment for the site

According to the application submitted, the subject property is 553.7 acres in size. The FLUCFCS Code map provided identifies 88.4 acres of native vegetation within the golf course, 51 acres of native vegetation in existing conservation easement and 246.8 acres of native vegetation outside the golf course, for a total of 386.2 acres of native vegetation on subject property. Exotic vegetation within the native vegetative communities on site are primarily in the E2 (25-49%) range, with some areas of E1 (0-24%) and E3 (50-74%). The same is true of the level of exotic vegetation in the existing conservation easement.

According to the Property Appraisers website, the Olde Florida Golf Club is divided into two parcels. The golf course parcel (parcel No. 00219400103) is 254.84 acres and future development parcel (parcel No.00219160003), 299.16 acres. The approved site plans for the Olde Florida Golf Club Clubhouse Facility Expansion (SDPA-2010-1104) required exotic vegetation to be removed from the golf course parcel and for it to be maintained free of exotic vegetation in perpetuity.

The Olde Florida Golf Club occupies most of Section 31 and falls within one of two Sections of land in Sections 31 & 32, Township 48 South, Range 27 East, both of which were designated as Neutral Lands when the RFMUD was created. These two Sections of land are surrounded by RFMUD Receiving Lands and Estates (Golden Gate Estates). Growth Management Plan amendment number CP-2004-2 for the TwinEagles South property changed the FLUM designations of land immediately to the east of Olde Florida Golf Club, from Neutral Lands to Receiving Lands (153 acres) and Sending Lands (79 acres). The 79 acres of Sending Lands approved with the GMP amendment are located at the southern terminus of the property, adjacent to Vanderbilt Beach Road and the golf course at Olde Florida Golf Club.

Although not part of the application package, there is a verbal agreement between the owners of TwinEagles South and the local wildlife special interest groups to retain a 300 foot wide wildlife corridor along the west side of TwinEagles South. This wildlife corridor starts by the wildlife underpass at Immokalee Road and terminates at the Sending Lands along Vanderbilt Beach Road, at the southern end of TwinEagles South. This wildlife corridor runs alongside the east side of the existing conservation easement and golf course on Olde Florida Golf Club.

The listed species survey identified gopher tortoise (*Gopherus polyphemus*), Big Cypress fox squirrel (*Sciurus niger avicennia*), American alligator (*Aligator mississippiensis*) and several listed species of wading bird on subject property. Seventeen active and inactive gopher tortoise burrows were found in the undeveloped area on the west side of the property, in the future

development parcel. The listed wading birds and American alligator were observed in the gold course stormwater management lakes.

Undeveloped land within the Olde Florida Golf Club and in Sections 31 & 32, are within the USFWS Panther Secondary Zone. No panther or signs of panther were observed on the subject property during the listed species survey. According to the Listed Species Survey Report, two collared panthers have occurred within 1.3 mile of the subject property (Florida Fish and Wildlife Conservation Commission (FWC) telemetry data). Panther and black bear telemetry points provided in the Listed Species Survey Report show most panther and black bear activity beyond two miles from the subject property, primarily on undeveloped lands adjacent to and within RFMUD lands to the north and south, and in the Golden Gate Estates along Everglades and Desoto Boulevards.

The wetland jurisdictional determinations provided, show wetlands on site being drained by the major canals in the area and converting to uplands. According to the Formal Determination of Wetlands and Surface Waters received from the State, 30.88 acres of jurisdictional wetlands occur on the property, within the future development parcel. The Determination also states that habitats within the existing 38.71 acre conservation easement on site were excluded from the application, and thus not included in the Formal Determination. The loss of jurisdiction wetlands on the property is documented by the jurisdictional wetland determinations provided with the application. Pursuant to the Supreme Court ruling, USACOE jurisdiction wetlands on site are no longer jurisdictional since they are not connected to waters of the United States. Wetlands on site are also not within flowways or connected to wetlands off-site.

In March, 2013, the Archaeological and Historical Conservancy, Inc. conducted a reconnaissance cultural resource assessment of the site, in accordance with the specifications set forth in Chapter IA-46, F.A.C. One archaeological site, 8CR1305, was recorded as a result of the assessment and can be characterized by two non-local chert flacks found on a disturbed surface. These flacks are consistent with the Archaic Period (ca. 7,000 to 3,000 BP (before present)), and likely represent a small prehistoric camp. According to the assessment, the site is not eligible for listing in the National Register of Historic Places due to the paucity of the material and disturbances associated with the site. The cultural resource assessment also states that the parcel has an overall low to medium probability for cultural resources, based on the field reconnaissance and aerial imagery. The consultant's site review with the Florida Division of Historic Resources determined no previously recorded archaeological sites on the subject property.

In summary, the subject property and land within Section 31 & 32, Township 48 South, Range 27 East are surrounded by RFMUD Receiving Lands and Estates (Golden Gate Estates). These designations allow for a greater percentage of land to be developed and will, in time, reduce use of the subject property by larger free roaming listed species of wildlife such as panther and black bear. Other lands designated Neutral in the RFMUD abut at least on one side land designated either Sending or Conservation, thus providing greater protection for native habitat in those areas and for viability of corridors for the movement of wildlife. The agreement between the wildlife special interest groups and owners of TwinEagles South does provide a wildlife corridor linking Olde Florida Golf Club to undeveloped land to the north, within Bonita Bay East Golf Club.

One of the major purposes of the RFMUD is to preserve higher quality habitat for listed species, flowways and corridors for the movement of wildlife, in particular that for Florida panther and black bear. When the RFMUD was created, lands within the RFMUD were afforded greater protection based on the quality of habitat and location within the landscape. Although currently surrounded by native vegetation, areas around Sections 31 & 32 are allowed to be developed more intensely with less or, in the case of single-family residences in the Estates, no native vegetation required to be retained on individual lots. This will, in time, decrease the habitat value of the land and use of the subject property by listed species. Creation of a 300 foot wide wildlife corridor on the neighboring TwinEagles South property, coupled with the higher native vegetation retention requirement for Neutral Lands on the subject property will benefit wildlife, but may not be suitable for long term use by listed species such as panther and black bear, particularly when adjoining properties are all developed. Given this staff do not have strong evidence to support retaining the higher native vegetation retention standard for Neutral Lands on the subject property and find the subject property more consistent with the intent of RFMUD Receiving Lands.

*[Stephen Lenberger, Senior Environmental Specialist]*

#### VI. 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 Tuesday, July 16, 2013, 5:30 p.m. at the Golden Gate Fire Control and Rescue District Headquarters, located at 14575 Collier Boulevard, Naples. Approximately seven 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 two-step GMPA process, the Rural Fringe Mixed Used designation and the TDR program. Also overviewed was the history of the Olde Florida property.

The presentation indicated that natural vegetation preserve areas already exist on the site – and they would not change as a result of residential development. The present golf course and proposed residential uses were described, particularly abandoning earlier plans to expand the 18-hole golf course to 36 holes. Although no firm plans are in place, residential development would be limited to a specific development sub-area. The Olde Florida Golf Club was more recently approached by the neighboring Golf Club of the Everglades with the prospect of combining the two properties to provide a unified residential community.

Questions generated during the subsequent discussion focused on the nature of the changed environmental characteristics [*progressively dryer conditions*], how the existing on-site preserve area would be affected [*not by new residential areas*], and if future development would include different or additional access to Vanderbilt Beach Road [*none are contemplated*]. Also questioned was the County's timetable for extending Vanderbilt Beach Road eastward [*not in its present financially feasible planning schedule*] and the possibility of aggregating additional large tracts to establish a Rural Village [*extremely improbable*].

An "unrecorded" conservation easement located along the northeast side of the Olde Florida Golf Course property was questioned. [*This is the 300-foot wide wildlife corridor discussed in the Environmental Impacts section above.*] It was explained that this easement does exist and

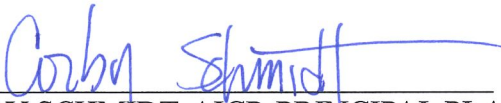
would remain in place, while any further recordation would be the responsibility of another party.

At least one party in attendance expressed opposition to the proposal. The meeting was completed by 6:10 p.m. *[Synopsis prepared by C. Schmidt, AICP, Principal Planner]*

**VII. RECOMMENDATION**

That the Collier County Environmental Advisory Council forward Petition CP-2013-4 to the Board of County Commissioners with a recommendation to **approve** this petition for transmittal to the Florida Department of Economic Opportunity.

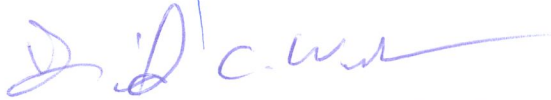
**PREPARED BY:**



DATE: 24 July 13

CORBY SCHMIDT, AICP, PRINCIPAL PLANNER  
COMPREHENSIVE PLANNING SECTION, PLANNING AND ZONING DEPARTMENT

**REVIEWED BY:**



DATE: 7-24-13

DAVID WEEKS, AICP, GROWTH MANAGEMENT PLAN MANAGER  
COMPREHENSIVE PLANNING SECTION, PLANNING AND ZONING DEPARTMENT

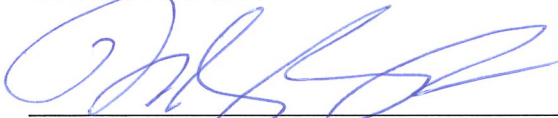
**REVIEWED BY:**



DATE: 7-24-13

MIKE BOSI, AICP, DIRECTOR, PLANNING AND ZONING DEPARTMENT

**APPROVED BY:**



DATE: 7-24-13

NICK CASALANGUIDA, ADMINISTRATOR  
GROWTH MANAGEMENT DIVISION

PETITION NO.: CP-2013-4 / PL-20130000365  
Staff Report for the August 7, 2013, EAC Meeting

NOTE: This petition has been scheduled for the September 19, 2013, CCPC Meeting and November 12, 2013, BCC Meeting.