

EXECUTIVE SUMMARY

Recommendation to review and consider approving the 2013 Cycle 2 Growth Management Plan Amendment for transmittal to the Florida Department of Economic Opportunity for review and Comments response. (*Transmittal Hearing*)

OBJECTIVE: For the Board of County Commissioners to review the 2013 cycle 2 amendment to the Collier County Growth Management Plan (GMP) and consider approving said amendment for transmittal to the Florida Department of Economic Opportunity.

CONSIDERATIONS:

- Chapter 163, F.S., provides for an amendment process for a local government's adopted Growth Management Plan.
- Resolution 12-234, provides for a public petition process to amend the Collier County GMP.
- The Collier County Planning Commission (CCPC), sitting as the "local planning agency" under Chapter 163.3174, F.S., held their Transmittal hearing for the 2013 cycle 2 petition on April 29, 2014.
- This Transmittal hearing for the 2013 cycle 2 considers an amendment to the Immokalee Area Master Plan Element and Future Land Use Map.

Note: Because the support materials are voluminous, the Agenda Central system does not contain all of the related documents pertaining to this GMP amendment petition. The entire Executive Summary package, including all support materials, is included in the binder that 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. Or, to view back-up materials, please refer to the following link:

http://www.colliergov.net/ftp/AgendaJune24/GrowthMgmt/PL20130001345_CP-2013-8_IMM_Hearing_Packet.pdf

Petition PL20130001345/CP-2013-8 is a petition submitted by Barron Collier Investments, Ltd. requesting an amendment to the Immokalee Area Master Plan Element and Future Land Use Map to: 1) change the designations of a ± 24.99 acre site from Urban Mixed Use District, Neighborhood Commercial Subdistrict (± 19.07 acres), Low Residential Subdistrict (± 5.72 acres), and High Residential Subdistrict (± 20 acres), to the Urban Commercial District, S.R. 29 and Jefferson Avenue Commercial Subdistrict; and, 2) provide that this site would not be subject to architectural and site design standards or sign standards of the Land Development Code (LDC), rather be allowed to establish such standards in a Planned Unit Development (PUD) zoning district for this site. The proposed project site is located at the northwest corner of Westclox Street and S.R. 29, within Section 29, Township 46 South, Range 29 East, Immokalee.

With the requested re-designation, the S.R. 29 and Jefferson Avenue Subdistrict would be expanded to add the subject ± 24.99 acres and the property would become eligible for all land uses and intensities within the Subdistrict – all permitted and conditional uses of the C-1 through C-4 zoning districts of the LDC, including a large format retailer such as a Wal-Mart; and, the site would not be subject to the architectural and site design standards of LDC Section 5.05.08,

and the sign standards of LDC Section 5.06.00. If this GMP amendment is adopted, then the property will need to be rezoned from the Rural Agricultural zoning district to a PUD zoning district. (A PUD rezone petition has been submitted and is under review.)

At the CCPC hearing, the petition agents asserted that the proposed commercial is supported by the market demand analysis, there are limited sites for large format retail centers in Immokalee, and the proposed land use change has fiscal and economic benefits.

It is staff's opinion that the data and analysis provided with the GMPA submittal supports the proposed 162,000 square feet of commercial development, there are limited sites for large format retail centers, and there are potential fiscal and economic benefits to the community resulting from the proposed commercial development.

Staff, however, notes that this same data and analysis provided with the submittal identifies the potential impacts of the proposed large format retailer – Wal-Mart, on directly competing businesses within the community. Adapting to the referenced retailer entering the market will be essential to these businesses maintaining or increasing sales, retaining employees and avoiding closures.

Staff analysis of this petition is included in the CCPC Staff Report.

FISCAL IMPACT: There are no fiscal impacts to Collier County as a result of this amendment. Petition fees account for staff review time and materials, and for the cost of associated legal advertising/public notice.

LEGAL CONSIDERATIONS: This item is ready for Board consideration and approval. A majority vote of the Board is needed for transmittal to DEO. --HFAC

GROWTH MANAGEMENT IMPACT: Approval of this proposed amendment by the Board for Transmittal to the Florida Department of Economic Opportunity will commence the Department's thirty-day (30) review process and ultimately return this amendment to the Planning Commission and the Board for final Adoption hearings to be held later in 2014.

ENVIRONMENTAL ISSUES: The site of petition CP-2013-8 is partially vegetated, and a portion of the site is used for agricultural purposes (grazing); there are no listed plant and/or animal species occurring on site. Further, as part of the process of obtaining subsequent development orders (e.g. site development plan), this site 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 Growth Management Plan, and the Collier County Land Development Code.

HISTORICAL/ARCHAEOLOGICAL IMPACT: This petition site is not identified on the County's Historical/Archeological Probability Maps as being in an area of historical or archaeological probability. Communications from the Florida Department of State, Division of Historical Resources, indicates no significant archaeological or historical sites recorded for, or likely to be present within, the petition site.

STAFF RECOMMENDATION TO THE COLLIER COUNTY PLANNING COMMISSION: That the CCPC forward petition CP-2013-8 (with the changes made at the CCPC meeting, as noted below) to the Board with a recommendation to approve for transmittal to the Florida Department of Economic Opportunity, subject to the petitioner working with the Immokalee CRA advisory board, CRA staff and County Planning staff to establish architectural and site development design standards and sign standards for the subject commercial development prior to Adoption hearings, and requiring that the subject project be capped at 162,000 square feet, consistent with the demand and public facilities analyses provided within the GMPA submittal.

COLLIER COUNTY PLANNING COMMISSION RECOMMENDATION:

At the April 29, 2014, CCPC meeting, the applicant for petition CP-2013-8 proposed text changes; these are reflected in the Resolution Exhibit “A” text. The text changes include:

1) removing the word “exempt” and replacing it with the phrase, “not be required to meet” – pertaining to architectural and site design standards, and signage requirements, of the Collier County Land Development Code; and, 2) restructuring the Subdistrict text for clarity. The CCPC forwarded petition CP-2013-8, with the petitioner’s changes, to the Board with a recommendation to approve for transmittal to the Florida Department of Economic Opportunity (vote: 7-0). There were five public speakers, all in support, and three of the five speakers expressed concerns about traffic near the subject site and the need for a traffic signal at S.R. 29 and Westclox Street.

STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS:

Same as to the CCPC – to transmit petition CP-2013-8, as revised at the CCPC meeting, to the Department of Economic Opportunity (subject to the petitioner working with the Immokalee CRA advisory board, CRA staff and County Planning staff to establish architectural and site development design standards and sign standards for the subject commercial development prior to Adoption hearings, and requiring that the subject project be capped at 162,000 square feet, consistent with the demand and public facilities analyses provided within the GMPA submittal).

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Attachments: 1) CP-2013-8 CCPC Staff Report; 2) CP-2013-8 Resolution with Exhibit “A” text and map