STAFF REPORT
COLLIER COUNTY PLANNING COMMISSION

TO: COLLIER COUNTY PLANNING COMMISSION

FROM: GROWTH MANAGEMENT DIVISION/PLANNING AND REGULATION, PLANNING AND ZONING DEPARTMENT, COMPREHENSIVE PLANNING SECTION

HEARING DATE: February 19, 2015

RE: PETITION CPSS-2014-1/PL20140000193, SMALL SCALE GROWTH MANAGEMENT PLAN AMENDMENT (Companion to PUDZA-PL20140000179) [*ADOPTION HEARING*]

AGENT/APPLICANT/OWNERS

Agents: Wayne Arnold
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Applicant/Owner: David Nassif
Nassif Golf Ventures, LLC
225 Banyan Boulevard, Suite 240
Naples, FL 34102

I. GEOGRAPHIC LOCATION:

The subject property, comprising ±7.90 acres, is located on the south side of Rattlesnake Hammock Road, at the intersection of Hibiscus Drive, in Section 19, Township 50 South, Range 26 East, located within the East Naples Planning Community.

II. REQUESTED ACTION:

The applicant seeks to amend the Future Land Use Element (FLUE) text, Future Land Use Map and Future Land Use Map Series by:

1. Establishing the Hibiscus Residential Infill Subdistrict on 7.90± acres within the Urban designation (Urban – Mixed Use District) and providing for up to 84 dwelling units at a density of 10.63 DU/A;

2. Amending Policy 1.1 to add the Hibiscus Residential Infill Subdistrict [implied by submittal documents]; and

3. Revising the Future Land Use Map to depict the new Subdistrict and creating a new Subdistrict Map as part of the Future Land Use Map Series [implied by submittal documents].

The proposed amended Subdistrict text is as follows:
(Single underline text is added – as proposed by the petitioner, and is in the Ordinance Exhibit A. Staff's recommended modifications to the text can be found at the end of this Staff Report.)

I. URBAN DESIGNATION

A. URBAN MIXED USE DISTRICT

17. Hibiscus Residential Infill Subdistrict [new text, page 46]

The Hibiscus Residential Infill Subdistrict comprises approximately 7.9 acres located on the South side of Rattlesnake Hammock Road, approximately one-half mile east of U.S. 41. The intent of the Subdistrict is to permit residential infill development up to a maximum of 84 dwelling units. The residential development permitted within this Subdistrict is consistent with the densities and intensities of development of other multi-family residential developments along the Rattlesnake Hammock Road corridor. Rezoning, in the form of a PUD is encouraged, in order to establish development standards appropriate for infill development. Building shall be limited in height to a maximum of 3-stories.

II. PURPOSE/DESCRIPTION OF PROJECT:

The petitioner is requesting to establish the Hibiscus Residential Infill Subdistrict on 7.90± acres to allow up to 84 dwelling units at a density of 10.63 DU/A.

III. SURROUNDING LAND USE, ZONING AND FUTURE LAND USE DESIGNATION:

Existing Conditions:

The subject 7.90± acres are encumbered by a drainage easement (containing a canal) along the southern boundary, bisected by Hibiscus Drive, and otherwise undeveloped; zoned CF, Community Facility and GC, Golf Course; and, designated Urban – Mixed Use District, Urban Residential Subdistrict, with approximately 3.58 acres of the site located within the Coastal High Hazard Area.

Surrounding Land Uses:

North: Across Rattlesnake Hammock Road, Charlemagne Plaza (retail center), zoned C-3, General Commercial District, and designated Urban – Mixed Use District, Urban Residential Subdistrict; and, mobile home units, zoned MH and, designated Urban – Mixed Use District, Urban Residential Subdistrict.

South: Residential single-family units, zoned RSF-3, Residential Single-family (3 units/acre), and designated Urban – Mixed Use District, Urban Residential Subdistrict and is within the Coastal High Hazard Area; Golf Course and Club House, zoned GC, Golf Course (same ownership as subject site), and designated Urban – Mixed Use District, Urban Residential Subdistrict and the Coastal High Hazard Area; Residential multi-family units, zoned RMF-16, Residential Multi-family (16 units/acre), and designated Urban – Mixed Use District, Residential Subdistrict and the Coastal High Hazard Area; and, residential single-family units, zoned RSF-4, Residential Single-family (4 units/acre), and designated Urban – Mixed Use District, Urban Residential Subdistrict and is within the Coastal High Hazard Area.

West: Across Doral Circle, residential single-family units; zoned RSF-3, Residential Single-family (3 units/acre); and, designated Urban – Mixed Use District, Urban Residential Subdistrict and is within the Coastal High Hazard Area.

East: Residential multi-family units; zoned RMF-16, Residential Multi-family (16 units/acre); and, designated Urban – Mixed Use District, Residential Subdistrict, with a portion of the site located within the Coastal High Hazard Area.

IV. BACKGROUND AND ANALYSIS:

1) Background:

Development within the Coastal High Hazard Area (CHHA):

- Generally, Policy 12.2.5 of the Conservation and Coastal Management Element (CCME) defines the Coastal High Hazard Area as the geographical area lying below the elevation of the Category 1 storm surge line as presently defined in the 2011 Southwest Florida Regional Planning Council's Hurricane Evacuation Study. (Refer to the attached Ordinance Exhibit A Future Land Use Map for the general boundary.)
- Policy 12.1.2 of the CCME provides that land use plan amendments in the Category 1 hurricane vulnerability zone shall only be considered if such increases in densities provide appropriate mitigation to reduce the impacts of hurricane evacuation times.
- Objective 3 and related Policies limit public expenditures in the CHHA for certain public facilities needed to support new development permitted by the Future Land Use Element.

Approximately 3.58 acres of the subject site is located within the CHHA. The applicant has agreed to provide the necessary hurricane mitigation to reduce the impacts resulting from the project's proximity to, and location within, the Category 1 hurricane vulnerability zone, as recommended by the Bureau of Emergency Management (companion Hibiscus RPUD, Exhibit F, #5, contains the mitigation commitment). No new expenditures for public facilities within the CHHA are anticipated, as a result of the proposed project.

Residential density permitted within the Urban Residential Subdistrict:

- Residential density is permitted at a base density of 4 dwelling units per acre (DU/A). However, a portion of the property is also within the Coastal High Hazard Area thus is subject to a reduction of 1 DU/A pursuant to the Density Rating System of the Future Land Use Element (FLUE); this results in an adjusted base density of 3 DU/A for that portion of the site within the CHHA. Through the Affordable Housing Density Bonus (AHDB), up to an additional 8 DU/A could be achieved and added to the base density.

The subject property is zoned CF, Community Facility and GC, Golf Course. The site is eligible for 28 dwelling units under the existing Future Land Use designation (4.32 acres x 4 DU/A = 17.28 DUs + 3.58 acres x 3 DU/A = 10.74 DUs). Residential density on the site may be increased through the AHDB provision, yielding an additional 63 dwelling units (7.9 acres x 8 DU/A) for a total of 91 units.

2) Environmental Impacts:

A Senior Environmental Specialist with the Collier County Surface Water and Environmental Planning Section reviewed the environmental report and provided the following comments:

- According to aerials on the Property Appraiser's website, the subject property was previously cleared and developed (since 1975) as part of the golf course immediately to south of the subject site. Previous structures, driveways and parking areas on the site have been removed. The remaining vegetation on site consists of native and non-native trees and mowed ground cover.

  Fox squirrels have been previously observed on the golf course to the south. A listed species survey was conducted to determine if fox squirrels are currently using the subject property. No fox squirrels or evidence of fox squirrels were observed during the listed species survey.

The subject property is not located within a County well field protection zone.

- The proposed GMP amendment will have no effect on the requirements of the CCME, including retention and protection of native vegetation and listed wildlife species.

Historical and Archeological Impacts:

- The subject property is not located in an area of historical and archaeological probabability, as shown on the County's Historical/Archaeological Probability maps. A letter received on August 25, 2014 from the Florida Master Site File, indicates no previously recorded cultural resources on the project site. The project will be subject to the requirement for accidental discovery of archaeological or historical sites as required by CCME Policy 11.1.3. The provision is also included in Subsection 2.03.07E of the Land Development Code (LDC).

3) <u>Public Facilities Impacts:</u>

- Water: The subject project is located within the Collier County potable water service area. The anticipated maximum demand (84 multi-family units) for potable water for the project is 39,627 gallons per day.
- Wastewater: The subject project will be served by the Collier County Sewer District. The anticipated maximum demand (84 multi-family units) for wastewater for the project is estimated at 18,564 gallons per day.
- Solid Waste: The service provider is Collier County Solid Waste Management. The 2013 AUIR identifies that the County has sufficient landfill capacity up to the year 2065 for the required lined cell capacity. The project construction time line is approximately 36 months.
- Drainage: Future development is expected [and required] to comply with the SFWMD and/or Collier County rules and regulations that assure controlled accommodation of storm water events by both on-site and off-site improvements.
- Park and Recreational Facilities: There will be no adverse impacts to park facilities from the proposed development.
- Schools: Presently, there is sufficient capacity for the proposed development within the middle and high school concurrency service areas. However, there is not sufficient capacity within the elementary school concurrency service area. At the time of site plan or plat, the development will be reviewed for concurrency to ensure there is capacity within the concurrency service areas such that the level of service standards are not exceeded. At this time there is capacity in an adjacent concurrency service area.
- EMS and Fire: The subject project is located within the East Naples Fire and Rescue District, [station located] at 11121 Tamiami Trail East, approximately 3-miles from the subject site. The establishment of the Subdistrict with the proposed residential multi-family or single-family units is anticipated to have minimal impacts on these safety services.
- Transportation: Staff has reviewed the Hibiscus PUD rezone petition and companion Hibiscus Residential Infill Subdistrict Growth Management Plan (GMP) amendment petition for consistency with Policy 5.1 of the Transportation Element (TE) in the Growth Management Plan. That policy is listed below, followed by staff analysis.

  "Policy 5.1:
  The County Commission shall review all rezone petitions, SRA designation applications, conditional use petitions, and proposed amendments to the Future Land Use Element (FLUE) affecting the overall countywide density or intensity of permissible development, with consideration of their impact on the overall County

transportation system, and shall not approve any petition or application that would directly access a deficient roadway segment as identified in the current AUIR or if it impacts an adjacent roadway segment that is deficient as identified in the current AUIR, or which significantly impacts a roadway segment or adjacent roadway segment that is currently operating and/or is projected to operate below an adopted Level of Service Standard within the five year AUIR planning period, unless specific mitigating stipulations are also approved. A petition or application has significant impacts if the traffic impact statement reveals that any of the following occur:

a. For links (roadway segments) directly accessed by the project where project traffic is equal to or exceeds 2% of the adopted LOS standard service volume;

b. For links adjacent to links directly accessed by the project where project traffic is equal to or exceeds 2% of the adopted LOS standard service volume; and

c. For all other links the project traffic is considered to be significant up to the point where it is equal to or exceeds 3% of the adopted LOS standard service volume.

Mitigating stipulations shall be based upon a mitigation plan prepared by the applicant and submitted as part of the traffic impact statement that addresses the project's significant impacts on all roadways."

The subject rezone and FLUE amendment petitions do increase residential density and the proposed project does access a deficient roadway segment per the 2014 AUIR, Annual Update and Inventory Report on public facilities. Transportation Planning staff recognizes a current failure of the existing roadway network (Link 72.0 Rattlesnake-Hammock Road, from Tamiami Trail to Charlemagne Boulevard, which exceeds capacity by 5 trips). This four-lane roadway is constrained by a lack of expandable right-of-way, and is not slated for any capital improvements as a result of the recognized failure, which was identified in the 2014 AUIR process. As a result of the capacity failure on Rattlesnake-Hammock Road, staff cannot find these petitions consistent with TE Policy 5.1, thus cannot recommend approval, unless acceptable mitigation measures are proposed.

The applicant *has* proposed multiple mitigation measures (see PUD Exhibit F, List of Developer Commitments, Section 3.b.-d.), summarized below.

1. Contribution of $25,000 toward the construction of Collier Area Transit (CAT) facilities along Rattlesnake-Hammock Road.
2. Purchase five monthly CAT passes, covering the months of November through May, for five consecutive seasons after the date that the first Certificate of Occupancy is issued for a residential unit.
3. Interconnection to the adjacent golf course and clubhouse/restaurant facilities – via the existing Hibiscus Drive.
4. Provision for on-site bicycle racks.

Conclusion:

Staff endorses the petitioner's proposed mitigation measures, therefore, can recommend approval of these two petitions.

Concurrency Comments:

Transportation Planning staff does not review projects for concurrency at time of GMP amendment or rezone. However, since staff is aware of the current failure of the existing roadway network adjacent to the subject site, staff offers some comments and a recommendation not specific to these petitions.

If these petitions are approved, then the project would be subject to concurrency at the time of Development Order submittal. Per TE Policy 5.2, a project may be approved if the traffic impacts proposed at that time are "de minimis" (i.e. less than 1% of the directional roadway capacity) – which could potentially restrict development order approval to a density less than the maximum approved (less than the proposed 84 units).

Additionally, an alternative that could potentially be beneficial to this project, based upon TE Policies 5.4 and 5.5, would be to incorporate the property into an approved Transportation Concurrency Exception Area (TCEA) boundary. One current staff recommendation, outlined in the 2014 AUIR recommendations, is to promote inclusion of Link 72.0, and surrounding properties, in the nearby TCEA (the boundary presently ends at the Rattlesnake-Hammock Road/Tamiami Trail East intersection). [Note: The staff recommendation in the 2014 AUIR for TCEA expansion was not based upon these two particular petitions, and the proposed expansion would include properties other than just the subject site.] In order for staff to pursue a GMP amendment to expand the existing TCEA boundary, explicit BCC direction must be provided. Such a GMP amendment would need to include a transportation study to support the expansion, which would be included in the submittal to the Florida Department of Economic Opportunity (DEO) and Florida Department of Transportation (FDOT) for their review and acceptance.

4) <u>Justification and Compatibility:</u>

- **Justification:**
  The applicant's justification for the requested density is that the project is infill development, adequate infrastructure is available, the requested density is necessary for the development of the site to be financial feasible, the requested density could be achieved by rezoning a portion of the adjacent golf course site (under same ownership) along with the subject site to entitle additional density on the subject site; and, affordable housing development is not a viable option for the site based on lack of support for this unit type by surrounding communities.

  The subject project is unique in that it is adjacent to the developed club house and golf course that is under the same ownership as the subject site. In order to achieve the requested density of 10.63 or 84 units on the site, the applicant has two available options – not including the AHDB provision – for increasing residential density on the site: 1) rezone a portion of the adjacent golf course acreage along with subject site to entitle density on the subject site; or, 2) seek approval of a small-scale amendment to allow the increased density. The applicant elected to submit this small-scale amendment for the increased density, citing the amendment avoids any confusion that may be caused by including the golf course acreage as part of a rezoning action.

  There is common ownership of the subject site and adjacent golf course as well as non-PUD zoning on these properties, both of which staff believes to be unique. Because of this, and the agent's statement at the Neighborhood Information Meeting to the public that the golf course use would be retained (refer to pages 10 and 11 of the attached NIM Transcript), staff is of the opinion that the small-scale amendment process may be the appropriate means to increase residential density on the subject site without unnecessarily causing confusion for area residents about the continuation of the golf

course use. However, staff does have concern about the potential for double counting of density should the golf course acreage be redeveloped in the future. Accordingly, staff requested the applicant encumber (by lien or other formal legal mechanism) the portion of the golf course acreage (±18.60 ac.) needed to entitle the additional density on the subject site. However, the applicant declined staff's request.

- **Compatibility**:
  To the west, across Doral Circle, are one-story single-family structures, zoned RSF-3. To the east is a three-story multi-family development (Country Club Manor Condominiums), zoned RMF-16. To the south, across the drainage easement, is a golf course, club house and associated parking area; single-family development, zoned RSF-3 and RSF-4; and, further south is three-story and five-story multi-family development, zoned RMF-16 (Naples Green Condominiums). To the north, across Rattlesnake Hammock Road, is a recreational area for the adjacent mobile home development (Riviera Colony); and a one-story commercial retail plaza, zoned C-3 (Charlemagne Plaza). The proposed Subdistrict provides for a maximum building height of 3 stories; for all surrounding lands, the Future Land Use designation is silent to height limits. Though the proposed Subdistrict allows higher profile structures than are allowed on certain surrounding properties, Comprehensive Planning staff defers to Zoning staff for compatibility analysis as part of the rezoning process when the entire project is evaluated (building heights, setbacks, buffering, building mass, building orientation, etc.).

VI. NEIGHBORHOOD INFORMATION MEETING (NIM):

Refer to the NIM Transcript immediately following this Staff Report.

VII. FINDING AND CONCLUSIONS:

- There are no adverse environmental impacts as a result of this petition.
- The petition allows a project density that could be achieved through the rezoning of the subject site along with a portion of the adjacent golf course acreage.
- The proposed project is generally compatible with surrounding land uses and intensities.
- Mitigation is being provided (in the companion PUD) to reduce the impacts resulting from the project's proximity to, and location within, the Category 1 hurricane vulnerability zone, as provided for in PUD Exhibit F, #5. A. and B.
- There are no infrastructure related concerns.

VIII. LEGAL CONSIDERATIONS:

This Staff Report has been reviewed by the County Attorney's Office and is legally sufficient. *[HFAC]*

IX. STAFF RECOMMENDATION: Staff recommends that the Collier County Planning Commission forward Petition CPSS-2014-1 to the Board of County Commissioners with a recommendation to approve for adoption and transmittal to the Florida Department of Economic Opportunity, subject to staff recommended Subdistrict text changes below.

Staff recommends the following text revisions for the purpose of clarity and proper format.

Words in single underline are added – as proposed by the petitioner; words in double underline are added and words in double ~~strike through~~ are deleted – as proposed by staff.

A. Urban Mixed Use District

17. Hibiscus Residential Infill Subdistrict [new text, page 46]

The Hibiscus Residential Infill Subdistrict comprises approximately 7.9 acres located on the ~~S~~south side of Rattlesnake Hammock Road, approximately one-half mile east of U.S. 41. The intent of the Subdistrict is to permit residential infill development up to a maximum of 84 dwelling units. ~~The residential development permitted within this Subdistrict is consistent with the densities and intensities of development of other multi-family residential developments along the Rattlesnake Hammock Road corridor. Rezoning, in the form of a PUD is encouraged, i~~In order to establish development standards appropriate for infill development, the rezoning of the site shall be encouraged in the form of a PUD. ~~Building shall be limited in height to a maximum of 3 stories.~~

Prepared By: _____ Date: _____
Michele R. Mosca, AICP, Principal Planner
Impact Fee Administration, Capital Project Planning Department

Reviewed By: _____ Date: _____
David Weeks, AICP, Growth Management Plan Manager
Comprehensive Planning Section, Planning and Zoning Department

Reviewed By: _____ Date: _____
Michael Bosi, AICP, Director
Planning and Zoning Department

Approved By: _____ Date: _____
Nick Casalanguida, Administrator
Growth Management Division

Petition Number: CPSS-2014-1
Staff Report for February 19, 2015 CPCC meeting

NOTE: This petition has been scheduled for the April 14, 2015 BCC meeting.

COLLIER COUNTY PLANNING COMMISSION:

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Mark P. Strain, CHAIRMAN