

ORDINANCE NO. 15- 13

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NO. 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP AND MAP SERIES BY REMOVING A 0.88± ACRE PARCEL FROM THE BOUNDARY AND DECREASING THE SIZE OF THE HENDERSON CREEK MIXED USE SUBDISTRICT BY 2± ACRES; AND BY ADDING THE 0.88± ACRE PARCEL TO THE BOUNDARY AND INCREASING THE SIZE OF THE MIXED USE ACTIVITY CENTER NO. 18 BY 0.88± ACRES. THE SUBJECT PROPERTY IS LOCATED SOUTH OF U.S. 41, ON THE EAST SIDE OF COLLIER BOULEVARD (C.R. 951), WITHIN THE TAMAMI CROSSING CPUD, ORDINANCE NO. 2008-50, AS AMENDED, IN SECTION 3, TOWNSHIP 51 SOUTH, RANGE 26 EAST, CONSISTING OF 0.88± ACRES; AND FURTHERMORE, RECOMMENDING TRANSMITTAL OF THE AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. [PL20140000534 / CPSS-2014-3]

WHEREAS, Collier County, pursuant to Section 163.3161, et. seq., Florida Statutes, the Florida Local Government Comprehensive Planning and Land Development Regulation Act, was required to prepare and adopt a comprehensive plan; and

WHEREAS, the Collier County Board of County Commissioners adopted the Collier County Growth Management Plan on January 10, 1989; and

WHEREAS, the Community Planning Act of 2011 provides authority for local governments to amend their respective comprehensive plans and outlines certain procedures to amend adopted comprehensive plans; and

WHEREAS, KRG 951 & 41, LLC requested an amendment to the Future Land Use Element to decrease the size of the Henderson Creek Mixed Use Subdistrict by 2± acres, and increase the size of the Mixed Use Activity Center No. 18 by 0.88± acres; and

WHEREAS, pursuant to Subsection 163.3187(1), Florida Statutes, this amendment is considered a Small Scale Amendment; and

WHEREAS, the Subdistrict property is not located in an area of critical state concern or an area of critical economic concern; and



WHEREAS, the Collier County Planning Commission (CCPC) on December 18, 2014, considered the proposed amendment to the Growth Management Plan and recommended approval of said amendment to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Collier County did take action in the manner prescribed by law and held public hearings concerning the proposed adoption of the amendment to the Future Land Use Element and Future Land Use Map and Map Series of the Growth Management Plan on February 10, 2015; and

WHEREAS, all applicable substantive and procedural requirements of law have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: ADOPTION OF AMENDMENT TO THE GROWTH MANAGEMENT PLAN

The Board of County Commissioners hereby adopts this small scale amendment to the Future Land Use Element and Future Land Use Map and Map Series in accordance with Section 163.3184, Florida Statutes. The text amendment is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION TWO: SEVERABILITY.

If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE: EFFECTIVE DATE.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this 10th day of February, 2015.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

by: Luisa Cannon

Deputy Clerk

Attest as to Chairman's
signature only,

BY: *Tim Nance*
TIM NANCE, Chairman

Approved as to form and legality:

[Signature]

Scott A. Stone
Assistant County Attorney

Attachment: Exhibit A – Proposed Text Amendment & Map Amendment

This ordinance filed with the
Secretary of State's Office the
13th day of February 2015
and acknowledgement of that
filing received this 13th day
of February 2015
BY: *Luisa Cannon*
PL



EXHIBIT A

FUTURE LAND USE ELEMENT

FUTURE LAND USE DESIGNATION DESCRIPTION SECTION

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I. URBAN DESIGNATION

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A. Urban Mixed Use District

This District, which represents approximately 116,000 acres, is intended to accommodate a variety of residential and non-residential land uses, including mixed-use developments such as Planned Unit Developments. Certain industrial and commercial uses are also allowed subject to criteria.

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10. Henderson Creek Mixed Use Subdistrict

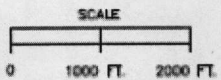
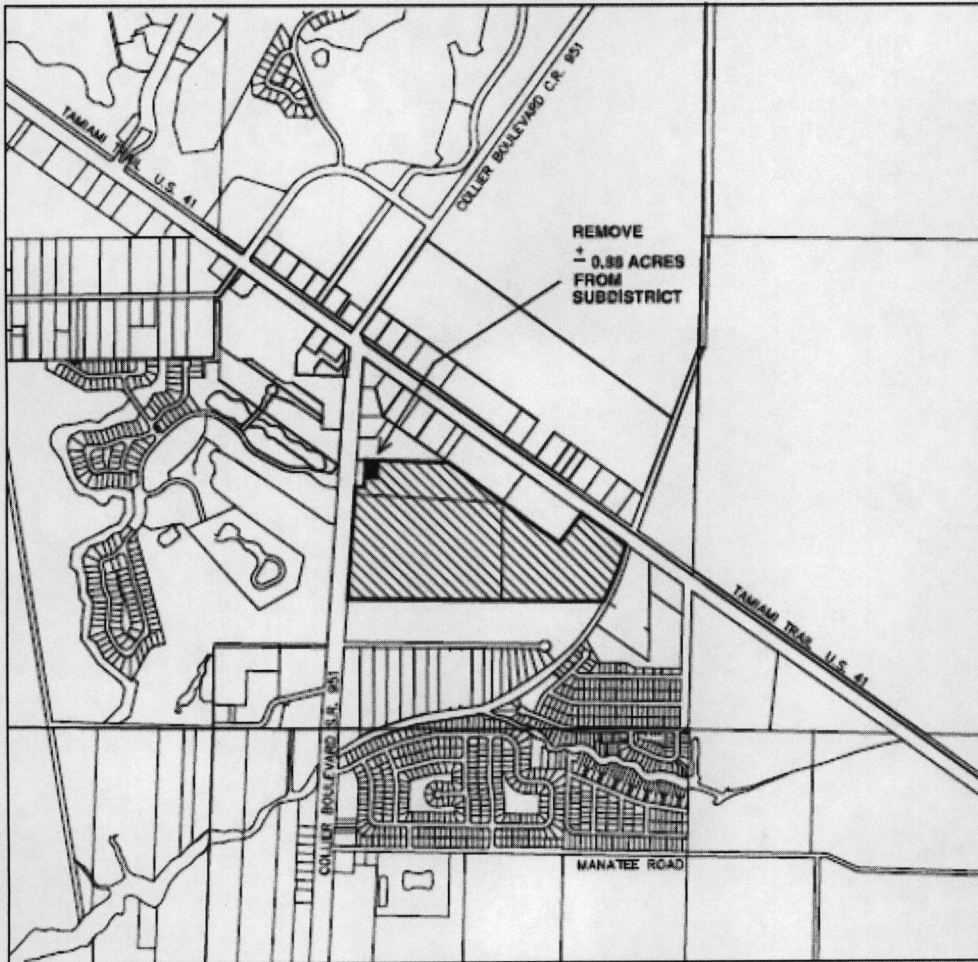
The Henderson Creek Mixed Use Subdistrict consists of approximately ~~83~~ 81 acres and is located east of Collier Boulevard (S.R. 951) and south of U.S. 41 (Tamiami Trail, East). The intent of the Subdistrict is primarily to provide for a mixture of regional commercial uses and residential development; the regional commercial uses are intended to serve the South Naples and Royal Fakapalm Planning Communities, and the Marco Island area. Conversely, the primary intent of the Subdistrict is not to provide for community and neighborhood commercial uses. The focus of the residential component of the Subdistrict shall be the provision of affordable-workforce housing to support the commercial uses within the Subdistrict, as well as in the South Naples and Royal Fakapalm Planning Communities, and the Marco Island area. The entire Subdistrict shall be developed under a unified plan; this unified plan must be in the form of a Planned Unit Development.

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DRAFT

**HENDERSON CREEK MIXED-USE SUBDISTRICT
COLLIER COUNTY, FLORIDA**

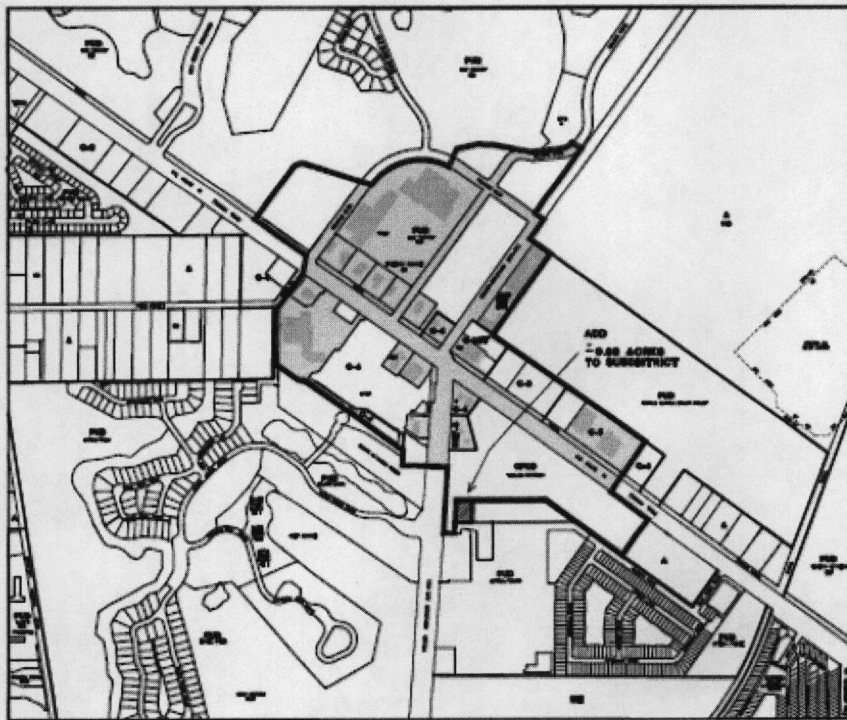
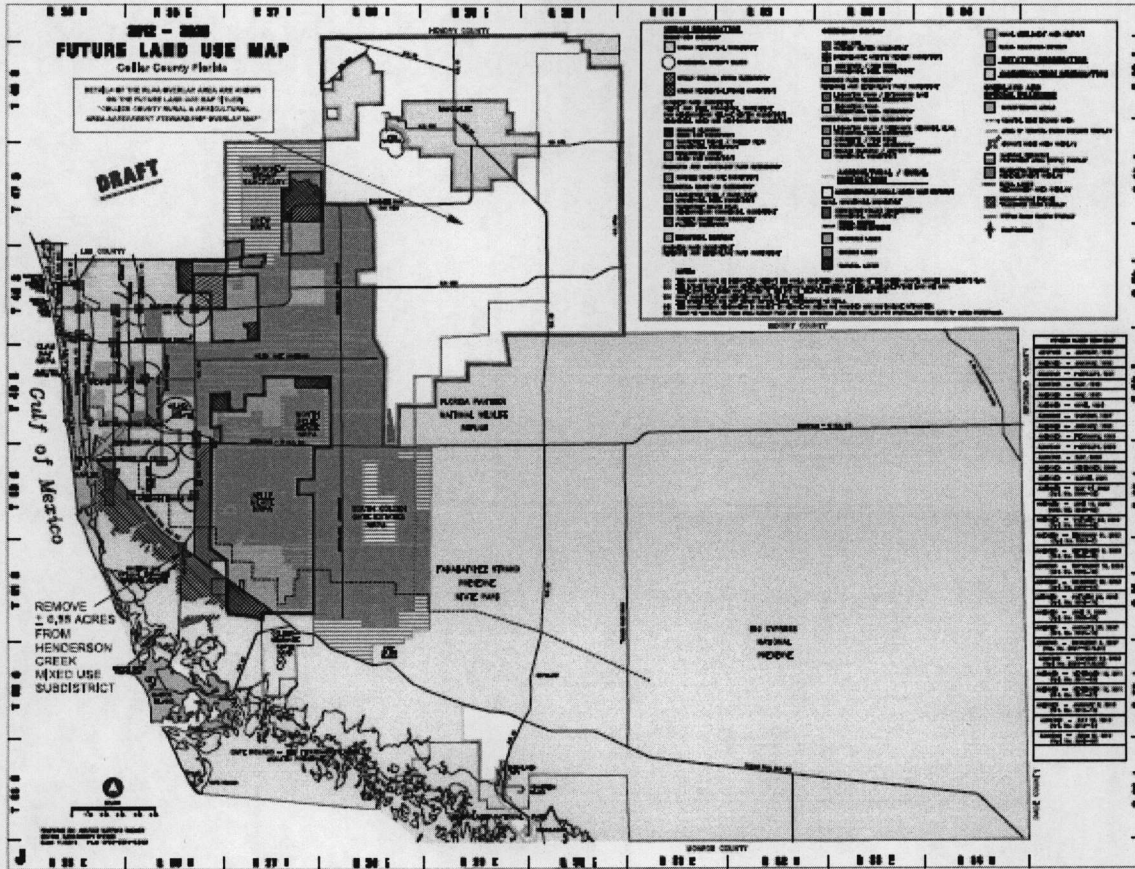


LEGEND

 SUBDISTRICT

PREPARED BY: GIS/CAD MAPPING SECTION
 GROWTH MANAGEMENT DIVISION
 DATE: 11/2014 FILE: CP88-2014-3A.DWG







FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 13, 2015

Honorable Dwight E. Brock
Clerk of the Circuit Court
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Teresa L. Cannon, BMR Senior Clerk

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 15-13, which was filed in this office on February 12, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb