

EXECUTIVE SUMMARY

Recommendation to review and approve (adopt) the 2013 Cycle 2 Growth Management Plan Amendment – Immokalee big box store project. (Adoption Hearing) (Companion to PUD rezone petition PUDZ-PL20130001241, SR29 Commercial Planned Unit Development (CPUD)).

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

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.
- For this Adoption hearing, the sole petition in the 2013 cycle 2 of GMP amendments is being considered, that being petition PL20130001345/CP-2013-8, Immokalee big box store.
- The Collier County Planning Commission (CCPC), sitting as the “local planning agency” under Chapter 163.3174, F.S., held its Transmittal hearing for the subject petition, comprising the 2013 cycle 2 of GMP amendments, on April 29, 2014. The BCC held its transmittal hearing on June 24, 2014. The respective transmittal hearings recommendations/actions are contained in the CCPC adoption hearing Staff Report.
- The CCPC held its adoption hearing on January 15, 2015. The staff and CCPC adoption hearing recommendations are presented further below.
- The Comments Letter from the Florida Department of Economic Opportunity (DEO), dated August 4, 2014, indicated “no comment” within the Agency’s authorized scope of review. Similarly, Comments Letters from the Florida Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission, Florida Department of State, Division of Historic Resources, and South Florida Water Management District all indicated either “no comments” or “no concerns” within those Agencies’ authorized scope of review. The Florida Department of Transportation (FDOT) provided the following comments [summarized by staff]: (1) a portion of S.R. 29 is projected to operate at adverse conditions (LOS E) by 2019 with the proposed project, and certain segments of S.R. 29 and S.R. 82 are projected to operate at adverse conditions (LOS E) during the FDOT’s 2035 long term planning time frame – however, FDOT’s comments indicate that the proposed project may proceed as planned, due to programmed improvements for S.R. 29 and S.R. 82 within the Department’s Five Year Work Program; and, (2) the project is subject to FDOT’s Access Management standards for S.R. 29. The remaining reviewing agencies did not provide a Comment Letter. All review agency Comments Letters received are contained in the back-up materials.
- This adoption hearing considers an amendment to the Immokalee Area Master Plan (IAMP) text and Future Land Use Map (FLUM).

This petition requests 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 (\pm 19.07 acres), Low Residential Subdistrict (\pm 5.72 acres), and High Residential Subdistrict (\pm .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.

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

LEGAL CONSIDERATIONS: This item is approved as to form and legality. An affirmative vote of four is needed for adoption and transmittal to DEO. -- HFAC

FISCAL IMPACT: There will be no fiscal impacts to Collier County as a result of approving this petition.

GROWTH MANAGEMENT IMPACT: This is an adoption public hearing for the sole petition in the 2013 cycle 2 of amendments to the Collier County Growth Management Plan. Based upon statutory changes that occurred during the 2011 Florida Legislative session, this GMP amendment is presumed to be “in compliance” with applicable Florida Statutes. After adoption, the DEO and other applicable review agencies will have 30 days (from the date DEO determines the adoption package is complete) to review the adopted Plan amendment and, should they believe the 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 (from the date of BCC adoption) in which to file a challenge. If a timely challenge is not filed by DEO or an affected party, then the amendment will become effective.

ENVIRONMENTAL ISSUES: The site of petition PL20130001345/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 PL20130001345/CP-2013-8 to the Board with a recommendation to adopt and transmit to the Florida Department of Economic Opportunity.

COLLIER COUNTY PLANNING COMMISSION RECOMMENDATION: The Collier County Planning Commission held its required Adoption public hearing on January 15, 2015. The CCPC voted unanimously to forward the subject petition to the BCC with a recommendation to adopt and transmit to the Florida Department of Economic Opportunity. There were no public speakers.

STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS:
Same as to the CCPC – to adopt and transmit petition PL20130001345/CP-2013-8 to the Florida Department of Economic Opportunity.

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Attachments:

- 1) CCPC Adoption Staff Report
- 2) Adoption Ordinance with Exhibit “A” text and map
- 3) DEO and State Agency Review Letters
- 4) CP-2013-8 BCC_Trans
- 5) CCPC Transmittal Staff Report
- 6) NIM Minutes
- 7) Approved Transmittal Resolution
- 8) Complete application and documentation are available at:
http://www.colliergov.net/ftp/AgendaMarch1015/GrowthMgmt/Binder-IBCGMPA_March_10-2015_BCC_Hearing_Packet.pdf
- 9) Staff-Applicant Correspondence