

## EXECUTIVE SUMMARY

**Recommendation to deny the single petition within the 2013 Cycle 3 Growth Management Plan Amendment for transmittal to the Florida Department of Economic Opportunity for review and Comments response for the Vincentian Mixed Use Subdistrict Transmittal Hearing.**

---

**OBJECTIVE:** For the Board of County Commissioners to review the 2013 Cycle 3 amendment to the Collier County Growth Management Plan (GMP) 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.
- 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 3 petition on August 21 and September 4, 2014.
- This Transmittal hearing for the 2013 Cycle 3 considers an amendment to the Future Land Use Element and Future Land Use Map.

*Note:* Because the support material (petition only) is voluminous, and some exhibits are oversized, some of the backup documents are not included in the printed agenda package. A link has been provided to the 'I' drive on page 4 of this document in order to view the document. The entire Executive Summary package, including all support materials, is available for review in the Comprehensive Planning Section of the Planning & Zoning Department office, located at 2800 North Horseshoe Drive, Naples, including the Comprehensive Planning Section GMP Amendments web page, via <http://www.colliergov.net/index.aspx?page=2460>. The entire Executive Summary package is also available in the Clerk of Courts/Minutes and Records office at 3299 Tamiami Trail East, 4<sup>th</sup> floor, Suite 401.

Petition PL20130001767/CP-2013-10 is a petition submitted by Christopher Shucart, requesting Future Land Use Element (FLUE) amendment to re-designate the subject site from the Urban Mixed Use District, Urban Coastal Fringe Subdistrict to the Vincentian Mixed Use Subdistrict. The Vincentian Subdistrict site comprises 30.7 acres and is located south and east of Southwest Boulevard, south and west of US 41 (Tamiami Trail East), and west of the Hitching Post Mobile Home Park, in Section 32, Township 50 South, Range 26 East.

Among the factors analyzed are Background and Considerations, Commercial Analysis, Apartment Analysis, Residential Density and Land Use Intensities, Appropriateness of the Site, Consistency with Coastal High Hazard Area Policies within the Growth Management Plan, Traffic Capacity/Traffic Circulation Impact Study Analysis, and Public Facilities Impact.

The following findings and conclusions result from the reviews and analyses of this request:

- The subject site was approved in 1999 for mixed use development only – not stand-alone commercial or residential development.

- More than 12,000 approved, but un-built dwelling units are proximate to this site.
- The proposed Subdistrict proposed limiting residential development to market rate *rental apartments* only, prior to the CCPC meeting, which correlated with the submitted apartment study. Now, the petition proposes market rate residential development of any ownership type, which means the type of residential development could be the same as the already approved +12,000 units proximate to this site.
- The proposed Subdistrict would allow residential density of 10 [12 prior to CCPC meeting] dwelling units per acre in a Coastal High Hazard Area (CHHA) location where additional dwelling units (beyond 4 DU/A) can only be attained when qualifying for a density bonus, but no qualifiers for density bonuses are met.
- Conservation and Coastal Management Element (CCME) 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. Approval of the proposed density does not limit, but potentially expands, public expenditures in the CHHA. Florida Statutes provide the basis for this CCME Objective and Policies, with specific provisions found in: Section 163.3178(1), providing that local governments limit public expenditures in areas subject to destruction by natural disasters, and Section 163.3177(6)6, requiring local governments to limit public expenditures that subsidize development in coastal high hazard areas.
- Based on data and analysis submitted for the supply of existing and potential commercial development and demand within the market area for the subject site, the additional need for the proposed commercial uses contemplated by this amendment to serve the surrounding residential areas cannot be ascertained/has *not* been demonstrated.

Staff found the data and analysis for the subject Growth Management Plan amendment does not support the proposed changes to re-designate the subject site from the Urban Coastal Fringe Subdistrict to the Vincentian Mixed Use Subdistrict. The proposed Vincentian Subdistrict is not consistent with Coastal High Hazard Area policies or Future Land Use Element provisions within the Growth Management Plan. Additional 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, as this is for the Transmittal of this proposed amendment. Petition fees account for staff review time and materials, and for the cost of associated legal advertising/public notice.

Fiscal impacts to the County may result from this amendment if it is adopted. The Vincentian Subdistrict proposes residential density of ten (10) dwelling units per acre in a location where only three or four dwelling units per acre of market rate housing are allowed [within the Urban Coastal Fringe Subdistrict (UCF) and the Coastal High Hazard Area (CHHA)].

**LEGAL CONSIDERATIONS:** This item is approved as to form and legality. A majority vote of the Board is needed for adoption of the Resolution. [HFAC]

**GROWTH MANAGEMENT IMPACT:** Approval of the proposed amendment by the Board for Transmittal to the Florida Department of Economic Opportunity will commence the

Department's thirty (30) day review process and ultimately return the amendment to the CCPC and the Board for Adoption hearings to be held early in 2015.

**ENVIRONMENTAL ISSUES:** The site of petition PL20130001767/CP-2013-10 contains approximately 12.66 acres of jurisdictional wetlands. Wetlands on-site are isolated with no hydrological connection to wetlands or waters off-site. As part of the process of obtaining subsequent development orders (e.g. site development plan), the 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 Land Development Code.

**HISTORICAL/ARCHAEOLOGICAL IMPACT:** No significant archaeological or historical sites are recorded for or likely to be present within the Vincentian Subdistrict subject area, and it is unlikely that any such sites will be affected. The site is subject to the requirement for accidental discovery of archaeological or historical sites as required by Conservation and Coastal Management Element Policy 11.1.3. If found to be present or affected, as part of the process of obtaining subsequent development orders (e.g. site development plans), the site will be subject to all applicable local, State and Federal protection regulations relevant to historical and archeological sites.

**STAFF RECOMMENDATION TO THE COLLIER COUNTY PLANNING**

**COMMISSION:** That the CCPC forward Petition CP-2013-10 to the Board of County Commissioners with a recommendation to deny transmittal to the Florida Department of Economic Opportunity.

**COLLIER COUNTY PLANNING COMMISSION RECOMMENDATION:** The CCPC was provided with the recommendation to deny transmittal of the GMP Future Land Use Element (FLUE) amendment as proposed by the petitioner. Staff also provided the CCPC with revisions to the applicant's proposed Subdistrict text (for proper code language, format, clarity, etc.) if they chose to recommend transmittal.

The CCPC heard CP-2013-10 during two separate hearing dates. During its initial hearing, the applicant's agent presented a revised version of Subdistrict text. That version incorporated land uses, intensity, density and other key Subdistrict provisions summarized as: allowing an entirely residential development, an entirely commercial development, or mixed use (residential and commercial) development; increasing residential density to a maximum of nearly 12 dwelling units per acre (= 360 units); basing residential density upon total site acreage; removing the residential limitation to only allow rental apartments; increasing commercial intensity to a maximum of 250,000 sq. ft. of uses as allowed to the C-1 through C-3 zoning districts; allowing for an automobile service station and other commercial uses outside the C-3 District; and retaining a minimum of 15% native vegetation on site.

During its continued hearing, a different version of Subdistrict text was presented by the applicant's agent. This substantially revised version incorporated changes to: (a) limit the increased residential density to a maximum of 10 dwelling units per acre (= 307 units); (b) base residential density only upon non-commercial acreage; (c) relax the residential limitation to allow any market-rate dwellings, not just rental apartments; (d) limit the increased commercial intensity to a maximum of 250,000 sq. ft. of uses as allowed to the C-1 through C-3 zoning

districts, with hotel and ALF conversions reducing this maximum; and, (e) allowing for automotive fuel pumps accessory to another, larger commercial facility, and other commercial Uses outside the C-3 District.

There were a number of public speakers, expressing concerns about impact upon owners of businesses and residences in the area. In particular, speakers addressed the low residential density of existing neighboring developments, and contrasted it with the high residential density proposed in the Vincentian Subdistrict. Incompatibilities were identified and ways to minimize them were discussed.

Interconnection was another issue discussed, as access to the commercial development to the southeast would be beneficial, without having to use US 41 for every trip. Emphasis was put on the growing traffic on both US 41 and Southwest Boulevard, and the accompanying traffic problems.

Speakers located in the Hitching Post Mobile Home Park addressed the possible collaboration on land uses adjacent to, on and through their recreation /storage area.

Speakers were apprehensive of such a wide-open proposal, where no specific plans for development of the site were known or proposed.

The CCPC forwarded petition CP-2013-10, with the petitioner's changes, to the Board with a recommendation to approve for transmittal to the Florida Department of Economic Opportunity (vote: 4/2), subject to a few clean-up changes to the text.

**STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS:**

Deny transmittal of petition CP-2013-10, as revised at the CCPC meeting, to the Department of Economic Opportunity.

Prepared by: Corby Schmidt, AICP, Principal Planner, and David Weeks, AICP, GMP Manager, Comprehensive Planning Section, Planning and Zoning Department, Growth Management Division

Attachments:

- 1) CP-2013-10 CCPC Staff Report;
- 2) CP-2013-10 Resolution with Exhibit "A" text and map
- 3) Application Backup Information (petition only); due to the size of the entire document it is accessible at: [http://www.colliergov.net/ftp/AgendaOct1414/GrowthMgmt/op-PL20130001767\\_CP-2013-10\\_Petition\\_Applica.pdf](http://www.colliergov.net/ftp/AgendaOct1414/GrowthMgmt/op-PL20130001767_CP-2013-10_Petition_Applica.pdf)