

## EXECUTIVE SUMMARY

**Recommendation to deny the single, 2013 Cycle 3 Growth Management Plan Amendment specific to the Vincentian Mixed Use Subdistrict petition. (*Adoption Hearing*) (Companion to rezone petition PUDZ-PL20130001726, Vincentian Village Mixed Use Planned Unit Development)**

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**OBJECTIVE:** For the Board of County Commissioners (BCC) to deny (not adopt) the single petition in the 2013 Cycle 3 of amendments to the Collier County Growth Management Plan (GMP) and not to approve 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.
- County 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 3 of GMP amendments being considered is PL20130001767/CP-2013-10, Vincentian Mixed Use Subdistrict.
- The Collier County Planning Commission (CCPC), sitting as the "local planning agency" under Chapter 163.3174, F.S., held its Transmittal hearings for the subject petition on August 21 and September 4, 2014. The BCC held its Transmittal hearing on October 14 and 28, 2014. Their respective transmittal recommendations/actions are contained in the CCPC adoption hearing Staff Report.
- The CCPC held its adoption hearing on March 19, 2015. The staff and CCPC adoption hearing recommendations are presented further below.
- After review of the Transmitted GMP amendment, the Florida Department of Economic Opportunity (DEO) rendered its Comment Letter indicating "no comment" within the agency's authorized scope of review, as did the Southwest Florida Regional Planning Council (SWFRPC), Florida Department of Agriculture and Consumer Services (DACS), Florida Fish and Wildlife Conservation Commission (FWC), and South Florida Water Management District (SFWMD).

The Florida Department of Transportation (FDOT) conducted a *planning level analysis* and rendered comments within their authorized scope of review. FDOT indicates that the proposed amendment is not anticipated to adversely impact important State transportation resources or facilities, and provided an additional comment regarding FDOT access standards; and, the Florida Department of Environmental Protection (DEP) rendered comments within their authorized scope of review, indicating that the proposed amendment is not anticipated to adversely impact important State resources.

The Florida Department of Education (DOE) rendered comments within their authorized scope of review, as follows:

The Department recommends the changes associated with the proposed amendment CP-2013-10 be reviewed as required by Section 8 of the Collier County Interlocal Agreement

for Public School Facility Planning and School Concurrency before adoption consideration.

In response to the DOE Comment, staff notes the Transmittal package of materials was provided to School District representatives and subsequently reviewed in accordance with Interlocal Agreement Section 8. Determinations from their Section 8 review are found in a letter dated January 22, 2015, as attached hereto and summarized below.

In accordance with Interlocal Agreement subsection 8.2, Collier County notified the School District of the proposed GMP amendment that may increase school enrollment. In accordance with Interlocal Agreement subsection 14.2, the Collier County School District subsequently conducted the school planning level review per the Collier County Interlocal Agreement for Public School Facility Planning and School Concurrency and responded. The School District response indicates *at this time there is sufficient capacity for the proposed development for the elementary, middle and high school levels. This finding is for planning and informational purposes only and does not constitute either (sic) a determination of concurrency for the proposed project. At the time of site plan or plat the development would be reviewed for concurrency to ensure there is capacity either within the concurrency service area the development is located within or adjacent concurrency service areas such that the level of service standards are not exceeded.*

The remaining review agency (Florida Department of State, Division of Historical Resources) did not provide a Comments Letter. All review agency Comments Letters received are contained in the back-up materials.

- This adoption hearing considers amendments to the Future Land Use Element (FLUE) text and Countywide Future Land Use Map (FLUM) and Map Series.

*Note:* Because the support materials are voluminous, and some exhibits may be oversized, 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, Naples.

Petition PL20130001767/CP-2013-10 is a petition submitted by Robert J. Mulhere, FAICP, for Global Properties of Naples, LLC requesting amendment to the Future Land Use Element (FLUE) 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.

With this re-designation, the property would allow for entirely commercial development, for entirely residential development, or for mixed use (commercial and residential) development. Commercial development is limited to 250,000 square feet of gross floor area, one hotel of up to 150 rooms and an assisted living facility. Commercial uses allowed are the permitted and conditional uses of the C-3 zoning district, plus hotel, dental labs, skilled nursing facilities, and department stores from the C-4 Commercial General Zoning District, in the Collier County Land Development Code. Residential development is limited to a maximum of 224 market rate multi-

family units. Mixed use development limits commercial intensity to 128,000 square feet of gross floor area, one hotel of up to 150 rooms and an assisted living facility – all on no more than 10 acres, and residential density based on 7.3 units per non-commercial acre. The Subdistrict also provides for conversions if the project is developed with a hotel or assisted living facility, automobile fuel pumps accessory to a grocery store or membership warehouse-type facility larger than 15,000 square feet of gross floor area, and a recreational site no greater than 3 acres for use by residents of the adjacent RV or mobile home parks. *Note: A companion PUD rezone petition is scheduled for this same hearing.*

Staff analysis of this petition is included in the Transmittal CCPC Staff Report. There was one public speaker at the CCPC adoption public hearing, who spoke in support of the request.

**LEGAL CONSIDERATIONS:** This GMP amendment is authorized by, and subject to the procedures established in, Chapter 163, Part II, Florida Statutes, The Community Planning Act, and by Collier County Resolution No. 12-234, as amended. The Board should consider the following criteria in making its decision: (1) consistency with the Comprehensive Plan, including analysis of impact on public infrastructure; (2) consistency with the Land Development Code, including compatibility analysis; and (3) review of data and analysis to support the proposed amendment. This item is approved as to form and legality. It requires an affirmative vote of four for approval because this is an Adoption hearing of the GMP amendment. [SAS]

**FISCAL IMPACT:** No fiscal impacts to the County result from this amendment if it is adopted.

**GROWTH MANAGEMENT IMPACT:** This is an adoption public hearing for the single petition in the 2013 Cycle 3 of amendments to the GMP. 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 packages are 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 majority of the subject site is forested with native vegetation. Also on-site are approximately 12.66 acres of jurisdictional wetlands. Wetlands on-site are isolated with no hydrological connection to wetlands or waters off-site. No documented occurrences of listed wildlife species or signs of listed wildlife species were observed on the property.

The proposed GMP amendment allows for the off-site retention of a portion of the native vegetation required to be retained on the subject property, thus requiring only 15 percent of the native vegetation to be retained on site verse 25 percent, should the property be developed as residential or mixed use. To insure the portion of the preserve can be satisfied off-site, an exemption to the LDC provision allowing off site retention of native vegetation has been included in the GMP amendment.

**HISTORICAL/ARCHAEOLOGICAL IMPACT:** According to the Florida Department of State, Division of Historical Resources, no significant archaeological or historical sites are recorded for or likely to be present within, the subject area, and that it is unlikely that any such sites will be affected. The property is subject to the requirement for accidental discovery of archaeological or historical sites as required by the CCME and LDC.

**STAFF RECOMMENDATION TO THE COLLIER COUNTY PLANNING COMMISSION:** That the CCPC forward petition PL20130001767/CP-2013-10 to the BCC with a recommendation not to adopt and transmit to the Florida Department of Economic Opportunity and reviewing agencies that provided comments. IF the Planning Commission chose to recommend adoption, staff recommended revisions to portions of the Subdistrict text to remove an unnecessary intensity standard for the hotel use no longer contained in the LDC.

**COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION:** The Collier County Planning Commission, also acting in their capacity as the Environmental Advisory Council (EAC), held its required Adoption public hearing on March 19, 2015. At that hearing, the petitioner proposed several changes for clarification, to which staff recommended minor edits. The CCPC recommended that the BCC adopt petition CP-2013-10, including the petitioner-proposed changes and staff-recommended revisions (vote: 5/0). The CCPC-recommended text is reflected in Exhibit A to the Adoption Ordinance, and is shown below.

Words underlined are added - as approved for transmittal by BCC;  
Words double underlined are added, words ~~double struck through~~ are deleted – both  
as recommended for adoption by CCPC.

#### 17. Vincentian Mixed Use Subdistrict

This Subdistrict contains approximately 30.68 acres, is located on the south/west side of Tamiami Trail East (US 41) and is depicted on the Vincentian Mixed Use Subdistrict Map. The purpose of this Subdistrict is to allow for neighborhood, community, and regional commercial development; residential development; and mixed use (commercial and residential) development.

The Subdistrict is intended to include commercial uses to serve the emerging residential development in close proximity to this Subdistrict, and to provide employment opportunities for residents in the surrounding area. In order to comply with Policy 1.10 of the Housing Element of the Growth Management Plan, residential development shall be limited to market-rate units so as to avoid the concentration of affordable housing in one location in the County. The property may be developed entirely as commercial, entirely as residential, or as a mixture of residential and commercial uses.

The development of this Subdistrict shall comply with the following restrictions, limitations and standards:

- a. Allowable uses: The maximum intensity of commercial uses shall be limited to those allowed in the C-3 zoning district, both by right and by conditional use, as listed in the Collier County Land Development Code in effect as of the date of adoption of this Subdistrict. Additionally, the following uses are allowed:
  1. Department store (5311),
  2. Hotel (7011, hotel only),
  3. Dental laboratories (8072), and

4. Nursing and personal care facilities (8051).

b. Additional use restrictions and intensity standards:

1. Commercial uses shall be limited to a maximum of 250,000 square feet of gross floor area (GFA), ~~and one hotel (maximum FAR 0.6 and a maximum of 150 rooms), and an assisted living facility (maximum FAR 0.6). Additionally, for every acre, or portion thereof, of hotel or ALF, the maximum allowable commercial GFA shall be reduced by 10,000 square feet, or portion thereof for fractional amount under an acre.~~
2. Residential development shall be limited to a maximum density of 7.3 units per acre, calculated on the gross acreage of the property exclusive of any commercial portions, for a maximum of 224 multi-family dwelling units.
3. If the project is developed as mixed use (residential and commercial uses), the residential density allowance is as provided for in Number 2. above, and the commercial portion of the project shall not exceed 10 acres in size and a maximum of 128,000 square feet of GFA of commercial uses, ~~and a 150-room hotel not to exceed 0.6 FAR, and an Assisted Living Facility at a 0.6 FAR. Additionally, for every acre, or portion thereof, of hotel or ALF, the maximum allowable commercial GFA shall be reduced by 10,000 square feet, or portion thereof for fractional amount under an acre.~~
4. A stand-alone automobile service station (i.e. retail fuel sales in conjunction with a convenience store) is prohibited; however, accessory fuel pumps in association with a grocery store (SIC 5411) or membership warehouse type facility (SIC 5311, 5331) greater than 15,000 square feet of GFA are allowed.
5. A recreational site for the use of the adjacent RV or mobile home parks may be developed on a maximum of 3 acres. The recreational site may include facilities such as a pool, clubhouse, and tennis courts.

c. Site Development:

1. Rezoning of this Subdistrict is encouraged to be in the form of a Planned Unit Development (PUD). The rezone ordinance shall contain development and design standards to ensure compatibility with internal uses as well as adjacent external uses, and shall include additional restrictions and standards necessary to ensure that uses and hours of operation are compatible with surrounding land uses.
2. The subject site will be developed with a common architectural and landscaping theme, to be submitted with the first Site Development Plan.
3. The unified planned development submitted at time of the first Site Development Plan will reflect, ~~to the maximum extent feasible,~~ internal connectivity through shared parking and cross-access agreements.
4. Pedestrian connections are encouraged, both with perimeter properties, where feasible, and between internal buildings.
5. At the time of Site Development Plan approval, the required on-site vegetation retention may be satisfied off-site, pursuant to Policy 6.1.1(13) of the Conservation and Coastal Management Element (CCME) of the Growth Management Plan. At a minimum, 15 percent of the on-site native vegetation must be retained on-site. If the portion of native vegetation satisfied off-site is met by land donation to the County, the specific off-site property shall be taken to the Board of County Commissioners for acceptance. However,

a hearing before the Conservation Collier Land Acquisition Advisory Committee will not be required.

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

Same as to the CCPC – Not to adopt and transmit petition PL20130001767/CP-2013-10, as submitted or as revised at the CCPC meeting, to the Florida Department of Economic Opportunity.

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

Attachments: 1) CCPC Adoption Staff Report; 2) Adoption Ordinance with Exhibit “A” text and maps; 3) DEO and Reviewing Agency Comment Letters; 4) Transmittal Executive Summary; 5) CCPC Transmittal Staff Report; 6) Approved Transmittal Resolution; 7) CP-2013-10 Application Backup Information (petition only) – due to the size of the entire document, the complete back-up is accessible at:

[http://www.colliergov.net/ftp/AgendaApril2815/GrowthMgmt/PL20130001767\\_CP-2013-10\\_Application\\_Petition.pdf](http://www.colliergov.net/ftp/AgendaApril2815/GrowthMgmt/PL20130001767_CP-2013-10_Application_Petition.pdf).