

EXECUTIVE SUMMARY

Recommendation to deny the single petition within the 2014 Cycle 1 of Growth Management Plan Amendments for transmittal to the Florida Department of Economic Opportunity for review and Comments response, for an amendment specific to the San Marino project, Transmittal Hearing.

OBJECTIVE: For the Board to deny the one petition in the 2014 Cycle 1 of amendments to the Collier County Growth Management Plan (GMP) for transmittal to the Florida Department of Economic Opportunity (San Marino project).

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.
- The Collier County Planning Commission (CCPC), sitting as the "local planning agency" under Chapter 163.3174, F.S., held their Transmittal hearing for the 2014 Cycle 1 petition on November 6, 2014 (one petition only, PL20140000113/CP-2014-2).
- This Transmittal hearing for the 2014 Cycle 1 considers an amendment to the Future Land Use Element.

Note: Because the support materials (petition only) are voluminous, and some exhibits are oversized, the Agenda Central system contains as noted, "confidential" the related document pertaining to this GMP amendment. 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 Zoning Department office, located 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. Or, the entire Executive Summary package may be viewed on the Comprehensive Planning Section GMP Amendments web page, via <http://www.colliergov.net/index.aspx?page=2460>.

Petition PL20140000113/CP-2014-2 seeks to amend the Future Land Use Element (FLUE) text of the GMP to introduce two site-specific exceptions from existing limitations in the Transfer of Development Rights (TDR) program, affecting the transfer of TDR credits among properties in the Rural Fringe Mixed Use District (RFMUD) and the Urban Residential Fringe (URF) Subdistrict. Adoption of these amendments will grant new rights exclusive to [the undeveloped portion of] the San Marino Planned Unit Development (PUD) property - to utilize 52% more TDRs than other development in the URF, and allow those TDRs from distant RFMUD Sending Lands.

Presently, properties located within the URF may only receive TDR density transfers from the RFMUD Sending Lands located within one (1) mile of the URF boundary. Stated differently, TDR credits may be transferred from any RFMUD Sending Lands to any RFMUD Receiving

Lands and Urban area receiving lands *except* that TDR credits from Sending Lands beyond one (1) mile of the URF boundary cannot be transferred into the URF. Part of this proposed amendment will allow the transfer of TDR credits originating more distant than one (1) mile from the URF boundary for use in [the undeveloped portion of] the San Marino PUD, which is located in the URF.

Also, at present, properties located within the URF may receive the above-described TDR transfers at up to 1.0 dwelling unit per acre (DU/A) via the transfer of one TDR per acre - in addition to the base density of 1.5 DU/A. Stated differently, the maximum residential URF density may be increased from 1.5 DU/A to 2.5 DU/A utilizing TDRs through the Density Rating System. Part of this proposed amendment will increase the allowed transfer of TDR credits into the URF from 1.0 DU/A to 1.52 DU/A via TDRs for use in [the undeveloped portion of] the San Marino PUD – **increasing total density from the present maximum allowed 2.5 DU/A to 3.02 DU/A via use of TDRs – a 0.52 DU/A increase or an increase of 102 DUs**. [Note: The application identifies the request is to allow 4.0 DU/A for an increase of 1.5 DU/A or 295 DUs. At the Planning Commission hearing, the petitioner reduced the request to 3.02 DU/A for an increase of 0.52 DU/A or 102 DUs. This irregular density figure (0.52 DU/A) is so as to allow development of the site with a total of 300 DUs; the density calculation is described further below.]

The site of this GMP amendment request comprises only a portion of the San Marino PUD (196.4 acres of the total 235 acres); the PUD is already approved for the maximum base density of 1.5 DU/A, for a total of 352 DUs; approximately 39 acres of the PUD are developed with an apartment complex consisting of 350 DUs – most of that density being derived from the subject 196.4-acre portion of the total 235 acres in the PUD; and, the subject site will utilize the two (2) remaining DUs approved in the PUD but un-built. All of this may lead to some confusion in attempting to understand the density calculations resulting from this amendment request; the below table may help.

Subject site = 196.4 acres

Base density (presently allowed)	1.5 DU/A	295 DUs
TDR density (presently allowed)	1.0 DU/A	196 DUs
TDR density increase – this petition	0.52 DU/A	102 DUs
SUM	3.02 DU/A	593 DUs

From the above table: Of the 593 DUs total proposed, subtract 295 DUs that have already been approved in the San Marino PUD and already built on the 39-acre portion of the PUD to yield 298 DUs (196 + 102); then, add the 2 DUs approved in the PUD but un-built to yield 300 DUs to be developed on this 196.4-acre site.

Again from the above table: All 298 DUs (196 + 102) will be derived from TDR credits; this amendment would allow the increase of 102 DUs, and would allow all 298 TDR credits to be derived from any RFMUD Sending Lands (within or beyond 1 mile from the URF boundary).

There are three existing exceptions to the 2.5 DU/A cap in the URF; two of these projects include provision of affordable/workforce housing, a priority at the time (First Assembly Ministries PUD

– approved in 2008, no DUs built, and Rockedge PUD – approved in 2006, no DUs built [a pre-application meeting was held in November 2014 at which the applicant indicated plans to pursue development at a maximum of 2.5 DU/A with no provision of affordable-workforce housing]), and the third is Hacienda Lakes – approved in 2011. Two developments in (or partially in) the URF are approved for density of 2.5 DU/A with use of TDRs – Lord’s Way 30 Acre PUD and Naples Reserve PUD, and another is pending – Lido Isles PUD. All other developments in the URF are approved at no greater than 1.5 DU/A (Forest Glen of Naples PUD, Willow Run PUD, Winding Cypress PUD, and the existing San Marino PUD).

Staff’s evaluation and analysis of this petition included/considered: history of the Rural Fringe GMP amendments; the stated intent that the URF provide a transitional density; that the 2011 Evaluation and Appraisal Report did not identify a need for changes to the URF regarding transitional density or restriction on TDR derivation; the applicant’s justifications; the supply and demand of TDR credits and how they are proposed to be transferred into the San Marino property; environmental impacts; and, traffic capacity/traffic circulation impact analysis and other public facilities impacts. This review resulted in the following findings and conclusions:

- Correlating amendments to the San Marino PUD are needed and may be submitted subsequent to, or concurrent with, the Adoption phase of this GMP amendment petition.
- Public Utilities’ staff does not have preliminary issues with respect to the proposed amendment.
- The part of the GMP amendment allowing the transfer of TDR-derived residential density from more than one (1) mile from the Urban Boundary to the undeveloped portion of the San Marino PUD would satisfy a portion of the potential unmet need in the Urban Residential Fringe for TDR credits.
- The proposed GMP amendment will have no affect on the requirements of the Conservation and Coastal Management Element (CCME) and will support the intent of the TDR program by directing development away from environmentally sensitive RFMUD Sending Lands.
- The majority of the site is forested with native vegetation, twenty five percent of which is required to be retained in accordance with the CCME. Native vegetation preservation may not change from this amendment, while Goals of the RFMUD may be met without any need for change.
- This amendment will result in increased demand for TDRs in one area [Sending Lands beyond 1 mile from URF] but decreased demand for them in another [Sending Lands within 1 mile of URF] □ while no net benefits are gained for the TDR program.
- Impact upon the TDR program could be noteworthy in that a number of TDR credits originally intended for use in areas of RFMUD designated Receiving Lands will be redirected to the Urban Residential Fringe – a reallocation of TDR credits.
- The number of TDRs available from “qualified” Sending Lands is sufficient at this time.
- This GMP amendment increases the potential devaluation of TDR credits generated from Sending Lands within one mile of the URF.
- The Urban Residential Fringe is intended for, and developed with, lower “transitional” residential densities; a more compatible and consistent development pattern would be maintained without approval of the proposed higher density.

- Continued approval of exceptions to the URF density cap lessens the intended transition and encourages further requests for such exceptions – and suggests that the density cap may no longer be appropriate for the Subdistrict as a whole.

Staff found the data and analysis for the subject GMP amendment does not support the proposed changes to the FLUE. 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.

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 to late Spring in 2015.

ENVIRONMENTAL ISSUES: The majority of the petition site is forested with native vegetation, twenty five percent of which is required to be retained in accordance with the requirements of the CCME. Approximately 71 percent of the site (139.50 acres) contains State and Federal jurisdictional wetlands.

No listed wildlife species were observed during the survey conducted in February, 2014. However, two listed plant species were identified on the property; they are subject to the Land Development Code requirements for possible relocation.

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 CCME, and the Land Development Code.

HISTORICAL/ARCHAEOLOGICAL IMPACT: No archaeological sites or cultural resources are recorded for or likely to be present within the San Marino site, and it is unlikely that any such sites or resources will be affected.

STAFF RECOMMENDATION TO THE COLLIER COUNTY PLANNING COMMISSION: That the CCPC forward Petition CP-2014-2, as proposed, to the Board of County Commissioners with a recommendation not to approve for transmittal to the Florida Department of Economic Opportunity.

Staff did, however, recommend approval of a different version of FLUE text: allowing for the transfer of TDR credits from Sending Lands property more than one (1) mile from the Urban boundary; removing the density increase; and, incorporating non-substantive changes for proper code language, format, clarity, brevity, etc.

COLLIER COUNTY PLANNING COMMISSION RECOMMENDATION: The CCPC forwarded petition PL20140000113/CP-2014-2, as modified by the petitioner to reduce the density increase request to 0.52 DU/A (3.02 DU/A total), to the Board with a recommendation to approve for transmittal to the Florida Department of Economic Opportunity (vote: 7/0), subject to the staff-recommended non-substantive changes.

STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS: Same as to the CCPC – not to transmit petition PL20140000113/CP-2014-2, as submitted or as revised at the CCPC meeting, to the Florida Department of Economic Opportunity.

Staff does, however, recommend approval of a different version of FLUE text: allowing for the transfer of TDR credits from Sending Lands property more than one (1) mile from the Urban boundary; removing the density increase; and, incorporating non-substantive changes for proper code language, format, clarity, brevity, etc.

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Attachments:

1) PL20140000113/CP-2014-2 CCPC Staff Report; 2) PL20140000113/CP-2014-2 Resolution with Exhibit “A” text; 3) NIM Mtg. Affidavit of Compliance 4) CP-2014-2 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/AgendaDec0914/GrowthMgmt/PL20140000113_CP-2014-2_SanMarino_Petition.pdf