



**STAFF REPORT
COLLIER COUNTY PLANNING COMMISSION**

FROM: GROWTH MANAGEMENT DEPARTMENT, ZONING DIVISION,
COMPREHENSIVE PLANNING SECTION

HEARING DATE: APRIL 2, 2015

SUBJECT: 2014 CYCLE 1, SINGLE GROWTH MANAGEMENT PLAN AMENDMENT
(ADOPTION HEARING)

ELEMENT: FUTURE LAND USE ELEMENT (FLUE)

Transmittal hearings on the amendment were held on November 6, 2014 (CCPC, Collier County Planning Commission) and on December 9, 2014 (BCC). The respective Transmittal recommendations/actions are presented further below, following the petition number and title.

Within CCPC materials provided you will find the Transmittal Executive Summary from the BCC hearing and certain attachments referenced therein, and the Transmittal CCPC staff report for the petition, which provide staff's detailed analysis of the petition.

REVIEW AGENCY COMMENT LETTERS

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 Florida Department of Environmental Protection (DEP), Florida Fish and Wildlife Conservation Commission (FWC), Florida Department of Agriculture and Consumer Services (DACCS) and South Florida Water Management District (SFWMD). The Florida Department of Education (DOE) rendered comments within their authorized scope of review, indicating The Collier County School District complete the school planning level review per the Collier County Interlocal Agreement for Public School Facility Planning and School Concurrency; 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 details regarding operating conditions on impacted State roadways.

DOE commented specifically, as follows:

The Department recommends the changes associated with the proposed amendment CP-2014-2 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 within the middle and high school concurrency service areas the development is located within and the adjacent concurrency service area for the elementary level. This finding is for planning and informational purposes only and does not constitute either a reservation of capacity or a finding 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 within the concurrency service area the development is located within and adjacent concurrency service areas such that the level of service standards are not exceeded.*

The Comments Letters received are located within materials provided to the CCPC. The remaining reviewing agencies did not provide a Comment Letter.

Within CCPC materials provided is an Ordinance with Exhibit "A" text for the petition; this exhibit reflects the text as approved by BCC for Transmittal.

PROPOSED AMENDMENT

PETITION CP-2014-2 / PL2014-0000113, requesting amendment to the Future Land Use Element of the Growth Management Plan, 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. The first amends the URF Subdistrict provisions themselves, while the second amends the way density transfers are permitted by Density Bonuses' provisions of the FLUE Density Rating System.

The subject property is within the San Marino Planned Unit Development (PUD) and comprises approximately 196 acres of the 235-acre PUD. It is located on the east side of Collier Boulevard (CR 951), approximately 1.5 miles south of Davis Boulevard (CR 84), 1.5 miles north of Rattlesnake Hammock Road (CR 864), north and east of the developed portion of the San Marino PUD, north and west of the Willow Run PUD (now Willow Run Sand & Gravel mining operation) and, south of Forest Glen Golf & Country Club PUD, in Section 11, Township 50 South, Range 26 East, Collier County, Florida.

This petition seeks to amend the FLUE text of the Growth Management Plan to increase the maximum allowable density that may be achieved in the Urban Residential Fringe Subdistrict up to 3.02 residential dwelling units per acre in the San Marino PUD and to change the limitations found in the Urban Residential Fringe Subdistrict to allow the transfer of TDR derived residential density from more than one (1) mile from the Urban Boundary. **Note: A companion PUD amendment petition is scheduled for this same hearing.**

TRANSMITTAL

STAFF RECOMMENDATION: Not to Transmit to DEO. (Staff did not support the density increase, but did support allowing TDRs to be derived from beyond one mile of the URF boundary.)

CCPC RECOMMENDATION: Transmit to DEO (vote: 7/0) with the density reduction modified by the petitioner (from 4 DU/A, dwelling units per acre), for a maximum density of 3.02 DU/A (an increase of 0.52 DU/A, or 102 DUs).

BCC ACTION: Transmitted to DEO (vote: 5/0), per CCPC recommendation.


ADOPTION

STAFF RECOMMENDATION: That the CCPC forward the single, Cycle petition to the BCC with a recommendation not to adopt or transmit the (CP-2014-2) petition to the Florida Department of Economic Opportunity and reviewing agencies that provided comments. However, staff does recommend adoption of that portion of the petition that proposes to allow TDRs to be derived from beyond one mile of the URF boundary.

LEGAL CONSIDERATIONS

This Growth Management Plan (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. [HFAC]

PREPARED BY:


CORBY SCHMIDT, AICP, PRINCIPAL PLANNER
COMPREHENSIVE PLANNING SECTION, ZONING DIVISION

DATE: 12 March 15

REVIEWED BY:


DAVID WEEKS, AICP, GROWTH MANAGEMENT MANAGER
COMPREHENSIVE PLANNING SECTION, ZONING DIVISION

DATE: 3-12-15

REVIEWED BY:


MIKE BOSI, AICP, DIRECTOR, ZONING DIVISION

DATE: 3-12-15

APPROVED BY:


NICK CASALANGUIDA, DEPARTMENT HEAD
GROWTH MANAGEMENT DEPARTMENT

DATE: 3-12-15

2014 Cycle 1 GMPA – Adoption (petition CP-2014-2/PL2014-0000113).

DEO no.15-1ESR

Staff Report for the April 2, 2015, CCPC Meeting.

NOTE: This single petition 2014.1 Cycle GMPA has been scheduled for the May 12, 2015, BCC Meeting.

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