

ORDINANCE NO. 15- _____

AN ORDINANCE AMENDING ORDINANCE 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN OF THE UNINCORPORATED AREA OF COLLIER COUNTY FLORIDA, SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP AND MAP SERIES BY ESTABLISHING THE VINCENTIAN MIXED USE SUBDISTRICT IN THE URBAN MIXED USE DISTRICT TO ALLOW A RESIDENTIAL ONLY, COMMERCIAL ONLY OR MIXED USE PROJECT AT THE FOLLOWING DENSITY/INTENSITY: UP TO 7.3 RESIDENTIAL DWELLING UNITS PER ACRE FOR A MAXIMUM OF 224 RESIDENTIAL DWELLING UNITS, UP TO 250,000 SQUARE FEET OF COMMERCIAL USES, A 150 ROOM HOTEL, AND AN ASSISTED LIVING FACILITY AT A FLOOR AREA RATIO OF 0.6. THE COMMERCIAL USES ALLOWED BY RIGHT ARE ALL PERMITTED USES AND CONDITIONAL USES IN THE C-3 COMMERCIAL INTERMEDIATE ZONING DISTRICT, AND THREE PERMITTED USES AND ONE CONDITIONAL USE IN THE C-4 COMMERCIAL GENERAL ZONING DISTRICT IN THE COLLIER COUNTY LAND DEVELOPMENT CODE, WITH CONVERSIONS AND LIMITATIONS IF PROJECT IS DEVELOPED AS MIXED USE DEVELOPMENT; AND FURTHERMORE RECOMMENDING TRANSMITTAL OF THE AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY. THE SUBJECT PROPERTY IS LOCATED AT THE CORNER OF SOUTHWEST BOULEVARD AND U.S. 41 (TAMIAMI TRAIL EAST) IN SECTION 32, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA CONSISTING OF 30.68± ACRES, [PL20130001767/CP-2013-10]

WHEREAS, Collier County, pursuant to Section 163.3161, *et. seq.*, Florida Statutes, the Community Planning Act, formerly the Florida Local Government Comprehensive Planning and Land Development Regulation Act, was required to prepare and adopt a comprehensive plan; and

WHEREAS, the Collier County Board of County Commissioners adopted the Collier County Growth Management Plan on January 10, 1989; and

WHEREAS, the Community Planning Act of 2011 provides authority for local governments to amend their respective comprehensive plans and outlines certain procedures to amend adopted comprehensive plans; and

WHEREAS, Petitioner, Robert J. Mulhere, FAICP of Hole Montes, Inc. and Richard D. Yovanovich, Esquire of Coleman, Yovanovich & Koester, PA on behalf of Global Properties, LLC, have initiated this amendment to the Future Land Use Element and Future Land Use Map and Map Series; and

WHEREAS, Collier County transmitted the Growth Management Plan amendments to the Department of Economic Opportunity for preliminary review on November 10, 2014, after public hearings before the Collier County Planning Commission and the Board of County Commissioners; and

WHEREAS, the Department of Economic Opportunity reviewed the amendments to the Future Land Use Element to the Growth Management Plan and transmitted its comments in writing to Collier County within the time provided by law; and

WHEREAS, Collier County has 180 days from receipt of the Comments Report from the Department of Economic Opportunity to adopt, adopt with changes or not adopt the proposed amendments to the Growth Management Plan; and

WHEREAS, Collier County has gathered and considered additional information, data and analysis supporting adoption of these amendments, including the following: the Collier County Staff Report, the documents entitled Collier County Growth Management Plan Amendments and other documents, testimony and information presented and made a part of the record at the public hearings of the Collier County Planning Commission held on March 19, 2015, and the Collier County Board of County Commissioners held on April 28, 2015 and May 26, 2015; and

WHEREAS, all applicable substantive and procedural requirements of the law have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that:

SECTION ONE: ADOPTION OF AMENDMENTS TO THE GROWTH MANAGEMENT PLAN

The amendment to the Future Land Use Element and Future Land Use Map and Map Series attached hereto as Exhibit "A" and incorporated herein by reference, is hereby adopted in accordance with Section 163.3184, Florida Statutes, and shall be transmitted to the Florida Department of Economic Opportunity.

SECTION TWO: SEVERABILITY.

If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE: EFFECTIVE DATE.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan

amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this _____ day of _____ 2015.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

Deputy Clerk

BY: _____
TIM NANCE, Chairman

Approved as to form and legality:

Heidi Ashton-Cicko
Managing Assistant County Attorney

HIFAC
5/14/15

Attachment: Exhibit A – Text and Maps

EXHIBIT "A"
FUTURE LAND USE ELEMENT

[Page 10]

Policy 1.1:

The URBAN Future Land Use Designation shall include Future Land Use Districts and Subdistricts for:

A. URBAN - MIXED USE DISTRICT

- 1. Urban Residential Subdistrict
- 2. Urban Residential Fringe Subdistrict
- 3. Urban Coastal Fringe Subdistrict
- 4. Business Park Subdistrict
- 5. Office and Infill Commercial Subdistrict
- 6. PUD Neighborhood Village Center Subdistrict
- 7. Residential Mixed Use Neighborhood Subdistrict
- 8. Orange Blossom Mixed-Use Subdistrict
- 9. Vanderbilt Beach/Collier Boulevard Commercial Subdistrict
- 10. Henderson Creek Mixed-Use Subdistrict
- 11. Research and Technology Park Subdistrict
- 12. Buckley Mixed-Use Subdistrict
- 13. Commercial Mixed Use Subdistrict
- 14. Livingston/Radio Road Commercial Infill Subdistrict
- 15. Vanderbilt Beach Road Neighborhood Commercial Subdistrict
- 16. Collier Boulevard Community Facility Subdistrict
- 17. Vincentian Mixed Use Subdistrict

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[Page 26]

- 12. Commercial uses subject to criteria identified in the Urban - Mixed Use District, PUD Neighborhood Village Center Subdistrict, Office and Infill Commercial Subdistrict, Residential Mixed Use Neighborhood Subdistrict, Orange Blossom Mixed-Use Subdistrict, Buckley Mixed Use Subdistrict, Vanderbilt Beach/Collier Boulevard Commercial Subdistrict, Commercial Mixed Use Subdistrict, Henderson Creek Mixed Use Subdistrict, Livingston/Radio Road Commercial Infill Subdistrict, Vanderbilt Beach Road Neighborhood Commercial Subdistrict, Vincentian Mixed Use Subdistrict; and, in the Urban Commercial District, Mixed Use Activity Center Subdistrict, Interchange Activity Center Subdistrict, Livingston/Pine Ridge Commercial Infill Subdistrict, Livingston Road/Eatonwood Lane Commercial Infill Subdistrict, Livingston Road Commercial Infill Subdistrict, Commercial Mixed Use Subdistrict, Livingston Road/Veterans Memorial Boulevard Commercial Infill Subdistrict, Goodlette/Pine Ridge Commercial Infill Subdistrict; Orange Blossom/Airport Crossroads Commercial Subdistrict, in the Bayshore/Gateway Triangle Redevelopment Overlay; and, as allowed by certain FLUE policies.

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Words underlined are added; words ~~struck through~~ are deleted.
Row of asterisks (**** * * * * *) denotes break in text.

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. 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), one hotel (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, a 150-room hotel, 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 (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 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.

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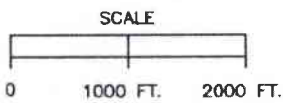
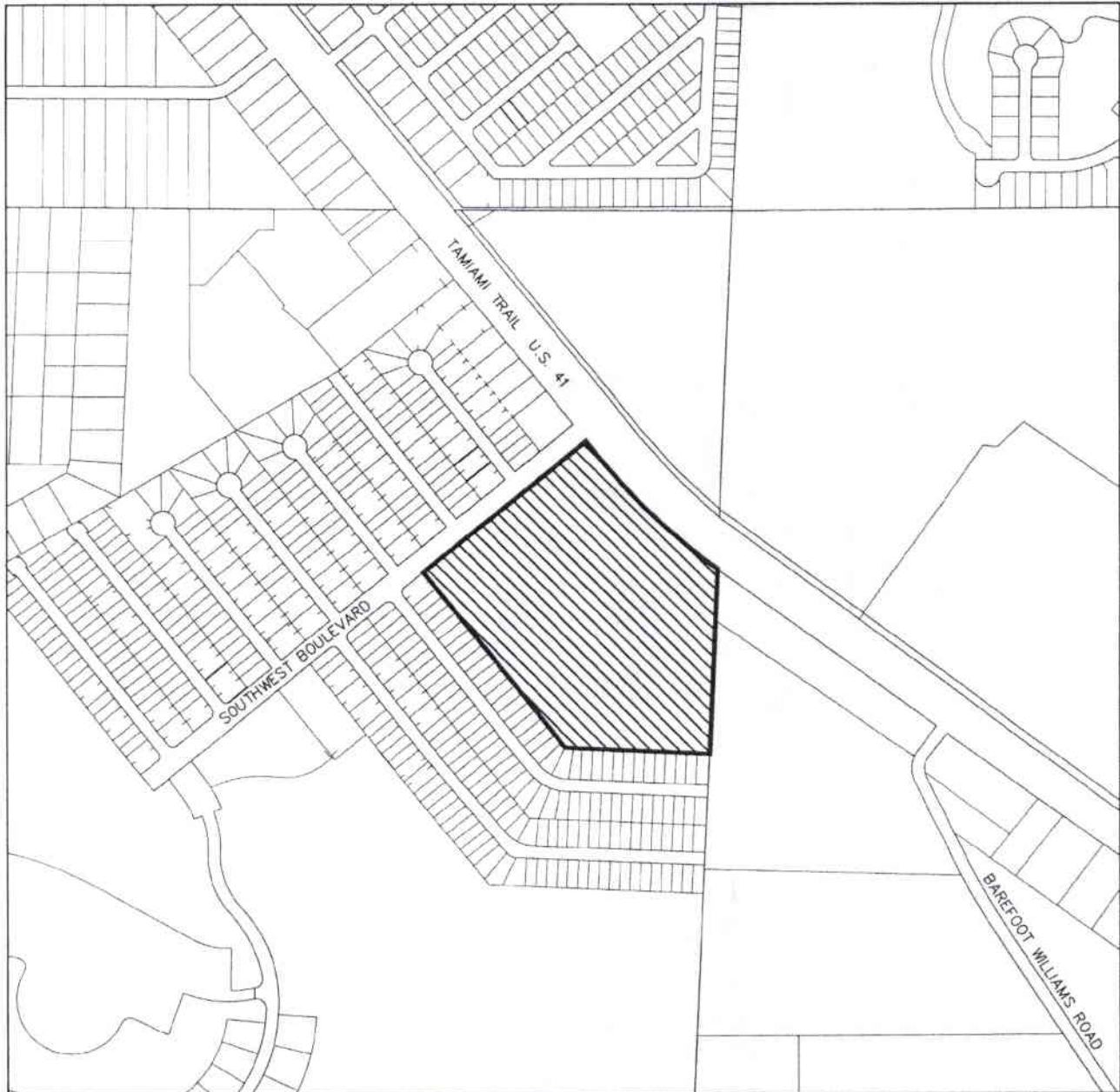
[Page 141]


- Urban Rural Fringe Transition Zone Overlay Map
- Orange Blossom Mixed Use Subdistrict Map
- Vanderbilt Beach/Collier Boulevard Commercial Subdistrict Map
- Goodlette/Pine Ridge Commercial Infill Subdistrict Map
- Henderson Creek Mixed-Use Subdistrict Map
- Buckley Mixed-Use Subdistrict Map
- Livingston/Pine Ridge Commercial Infill Subdistrict Map
- Vanderbilt Beach Road Neighborhood Commercial Subdistrict Map
- Livingston Road/Eatonwood Lane Commercial Infill Subdistrict Map
- Livingston Road Commercial Infill Subdistrict Map
- Orange Blossom/Airport Crossroads Commercial Subdistrict
- Livingston Road/Veteran's Memorial Boulevard Commercial Infill Subdistrict Map
- Corkscrew Island Neighborhood Commercial Subdistrict Map
- Collier Boulevard Community Facility Subdistrict Map
- Coastal High Hazard Area Map
- Coastal High Hazard Area Comparison Map
- Vincentian Mixed Use Subdistrict Map

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Row of asterisks (**** **** ****) denotes break in text.

DRAFT

VINCENTIAN MIXED USE SUBDISTRICT COLLIER COUNTY, FLORIDA



LEGEND	
	SUBDISTRICT

PREPARED BY: GIS/CAD MAPPING SECTION
GROWTH MANAGEMENT DIVISION / PLANNING AND REGULATION
DATE: 7/2014 FILE: CP-2013-10A.DWG



