



**STAFF REPORT
COLLIER COUNTY PLANNING COMMISSION**

TO: COLLIER COUNTY PLANNING COMMISSION

FROM: GROWTH MANAGEMENT DIVISION/PLANNING AND REGULATION,
PLANNING AND ZONING DEPARTMENT, COMPREHENSIVE
PLANNING SECTION

HEARING DATE: May 7, 2015

RE: PETITION PL20140001282/CPSS-2014-2, SMALL SCALE GROWTH
MANAGEMENT PLAN AMENDMENT (Companion to petition PUDZ-
PL20140001326, Germain Honda) [*ADOPTION HEARING*]

AGENT/APPLICANT/OWNERS

Agents: Dominick J. Amico, Jr., P.E.
Agnoli, Barber & Brundage, Inc.
7400 Tamiami Trail North, Suite 200
Naples, FL 34108

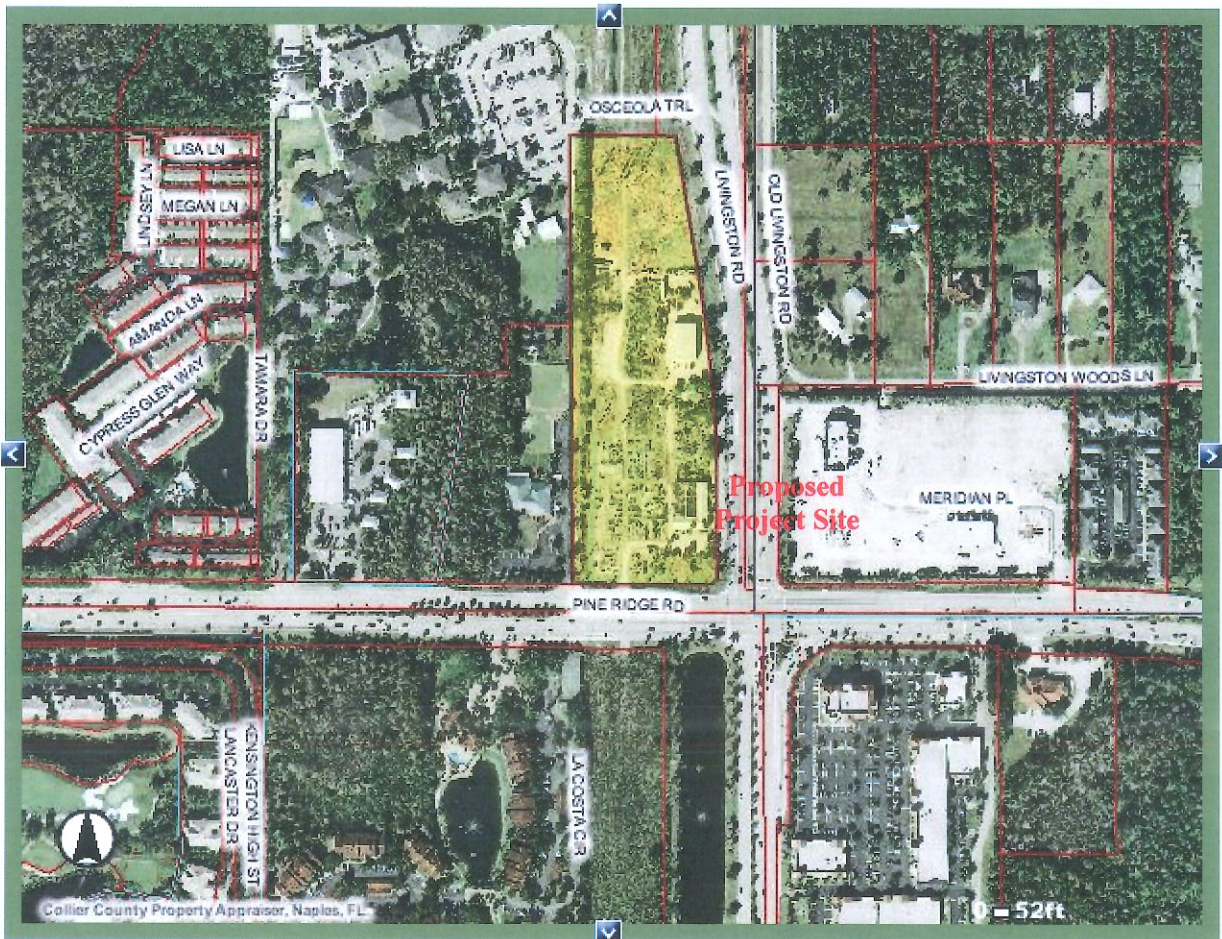
R. Bruce Anderson
Cheffy Passidomo, P.A.
821 5th Avenue South
Naples, FL 34102

Applicant: Stephen L. Germain, Manager.
JAZ Real Estate Holdings, LLC
c/o Germain BMW
11286 Tamiami Trail North
Naples, FL 34108

Owner: R & H Properties, LLC
3295 Pine Ridge Road
Naples, FL 34109

I. GEOGRAPHIC LOCATION:

The subject property, comprising ten (10) acres of a 10.47-acre parcel, is located at the northwest corner of Pine Ridge Road (CR 896) and Livingston Road, in Section 12, Township 49 South, Range 25 East, within the North Naples Planning Community.



II. REQUESTED ACTION:

The applicant seeks to amend the Future Land Use Element (FLUE) text and Future Land Use Map Series by:

1. Revising the Livingston/Pine Ridge Commercial Infill Subdistrict text to add one use – new and used car sales – on the southerly ten acres of the 10.47-acre parcel comprising the northwest quadrant of this Subdistrict (the southeast quadrant of this Subdistrict is not affected by this amendment); and
2. Revising the Livingston/Pine Ridge Commercial Infill Subdistrict map, part of the Future Land Use Map Series, to identify the subject southerly ten acres where new and used car sales would be allowed.

The proposed amended Subdistrict text and map is depicted on Ordinance Exhibit A's.

III. PURPOSE/DESCRIPTION OF PROJECT:

The petitioner is requesting this change so as to allow either of two development scenarios: general and medical office uses with a maximum of 40,000 square feet (s.f.) of building area

(presently allowed), or new and used auto sales use with a maximum of 60,000 s.f. of building area.

IV. SURROUNDING LAND USE, ZONING AND FUTURE LAND USE DESIGNATION:

Existing Conditions:

The subject 10-acre site is developed with a retail plant nursery, florist and pool cleaning service; zoned A, Rural Agricultural with a conditional use for retail plant nursery, and is within the ST/W-4 special treatment wellfield overlay; and, designated Urban – Commercial District, Livingston/Pine Ridge Commercial Infill Subdistrict approved for 40,000 s.f. of general and medical office uses.

Surrounding Land Uses:

- North: FPL transmission lines within FPL easement and private school (Community School of Naples); zoned CF, Community Facility; and, designated Urban – Mixed Use District, Urban Residential Subdistrict, and partially within a residential density band.
- East: Across Livingston Road and Old Livingston Road, single family dwelling units; zoned E, Estates; and designated Estates Mixed Use District, Estates Residential Subdistrict. Across Livingston Road, office development under construction; zoned PUD, Cambridge Square (16.1 acres; approved for 35,000 s.f. of office uses and 80,000 s.f. of office or retail uses of the C-3 zoning district; building height limit of 35 feet); and, designated Estates Commercial District, Pine Ridge Road Mixed Use Subdistrict (comprises 16.23 acres; allows 35,000 s.f. of office uses and 80,000 s.f. of office or retail uses of the C-3 zoning district; building height limit of 35 feet).
- South: Across Pine Ridge Road, FPL transmission lines and water retention pond within FPL easement; zoned A, Rural Agricultural; and, a 276-unit apartment complex (La Costa Apartments); zoned Related Group PUD, approved for 276 multi-family dwelling units (7 units/acre). Both sites designated Urban – Mixed Use District, Urban Residential Subdistrict, and within or partially within a residential density band.
- West: Private school (Community School of Naples); zoned CF, Community Facility. Dance studio (Etudes de Ballet); zoned A, Rural Agricultural, with conditional use for “sports instructional school, recreational camp, and cultural, educational or recreational facilities.” Both sites designated Urban – Mixed Use District, Urban Residential Subdistrict, and within or partially within a residential density band.

V. Identification and Analysis of the Pertinent Small-Scale Comprehensive Plan (GMP) Amendment Criteria in Florida Statutes, Chapter 163.3187:

Process for adoption of small-scale comprehensive plan amendment, followed by staff analysis in bracketed bold text.

- (1) A small scale development amendment may be adopted under the following conditions:
- (a) The proposed amendment involves a use of 10 acres or fewer. **[The proposed amendment pertains to 10 acres of the 10.47-acre subject site.]**
 - (b) The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government does not exceed a maximum of 120

acres in a calendar year. **[Thus far, two small scale GMP amendments have been adopted in calendar year 2015 for a total of 8.776 acres (0.876 + 7.9). Including the 10-acre subject site, a total of four small scale GMP amendments are presently under review – comprising 32.06 acres total (10 + 6.96 + 9.92 + 5.18).]**

- (c) The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government’s comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section. **[This amendment is for a site-specific Future Land Use Map change and directly related text change.]**
- (d) The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). **[The subject property is not within an Area of Critical State Concern.]**
- (4) Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177. **[Internal consistency will be maintained if the GMP amendment is approved.]**

VI. BACKGROUND AND ANALYSIS:

1) Background:

Future Land Use and Zoning History:

- 1994 – A conditional use was approved for “retail plant nursery” and the site subsequently developed as a retail plant nursery (presently, Pine Ridge Nursery of Naples).
- 2002 – A growth management plan (GMP) amendment was approved to establish the Livingston/Pine Ridge Commercial Infill Subdistrict on the 10.47-acre parcel at the northwest quadrant of Pine Ridge and Livingston Roads, to allow 40,000 square feet of general and medical office uses. (This Subdistrict was first established at the southeast quadrant in 2001 on 17.5 acres to allow 125,000 s.f. of retail and office uses.)
- 2007 – A GMP amendment was denied, requesting to amend the northwest quadrant to increase the building area to 70,000 s.f., retain general and medical office, and add retail uses for up to 20,000 s.f. of the 70,000 s.f. total.

2) Environmental Impacts:

A Senior Environmental Specialist with the Collier County Surface Water and Environmental Planning Section of the Natural Resources Department reviewed the environmental report (for both the GMP amendment and PUD rezone petitions) and provided the following comments:

According to the 1975 aerial on the Property Appraisers website, the subject property was previously cleared for agricultural use prior to 1975. Current uses of the property include commercial development and a plant nursery. The property is also located within an existing Florida Power and Light easement with overhead electric transmission lines.

Native vegetation on-site consists of several slash pine and oak trees within the nursery. No listed species were identified on-site by the environmental consultant for the project.

The project site is located within Wellfield Risk Management Special Treatment Overlay Zone W-4.

A letter was not received from the Florida Master Site File concerning recorded archaeological or historical sites. The project is subject to Conservation and Coastal Management Element (CCME) Policy 11.1.3, concerning accidental discovery of archaeological or historical sites, should any archaeological or historical sites be found on the property. The provision is also included in Subsection 2.03.07 E of the Land Development Code (LDC). [*Comprehensive Planning Note:* Such a letter is believed to have been provided with a prior GMP amendment petition for the site.]

The proposed GMP amendment will have no affect on the Conservation and Coastal Management Element as they relate to preservation and protection of native vegetation and listed species of wildlife. Review of the proposed amendment for compliance with the Wellfield Risk Management Special Treatment Overlay should be coordinated with staff from Pollution Control & Prevention. [*Comprehensive Planning Note:* Pollution Control and Prevention Section of Natural Resources Dept. responded: "The property and type of development in question is ... in the outer fringe of wellfield risk management zone W-4 and a Certificate to Operate would not be required for businesses activities that uses, handles, stores, generates, transports or processes hazardous wastes/products. However given the current land use, LDC 3.08.00A.4.d.i and ii may apply."]

3) Public Facilities Impacts:

No issues or concerns have been identified regarding impacts upon potable water, wastewater, solid waste, drainage, park and recreational facilities, schools, and EMS and fire. Public Utilities Department is requesting a utility corridor along Livingston Road but this is appropriately addressed as part of the PUD rezone review. As to impacts upon transportation facilities, the proposed use does not result in an increase in traffic volume; site access and operational issues are appropriately addressed as part of the PUD rezone review.

4) Justification and Compatibility:

Data and analysis requirements for comprehensive plans and plan amendments are noted in Chapter 163, F.S., specifically Section 163.3177(6) (a) 2. a-j, listed below.

2. The future land use plan and *plan amendments* shall be based upon surveys, studies, and data regarding the area, as applicable, including:
 - a. The amount of land required to accommodate anticipated growth.
 - b. The projected permanent and seasonal population of the area.
 - c. The character of undeveloped land.
 - d. The availability of water supplies, public facilities, and services.
 - e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.
 - f. The compatibility of uses on lands adjacent to or closely proximate to military installations.
 - g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.
 - h. The discouragement of urban sprawl.

- i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.
- j. The need to modify land uses and development patterns within antiquated subdivisions.

Also, the state land planning agency has historically recognized the consideration of community desires (e.g. if the community has an articulated vision for a particular area as to the type of development desired, such as within a Community Redevelopment Area), and existing incompatibilities (e.g. presently allowed uses would be incompatible with surrounding uses and conditions).

At the June 18, 2014 pre-application meeting for this petition, staff requested the applicant provide data and analysis that could include:

- Documentation that FPL prefers auto dealership use over presently allowed office uses (as asserted by the applicant);
- Identification of the market or trade area for the proposed use and an analysis of available sites within that trade area, especially those with the needed zoning for the proposed use;
- Commercial demand analysis for the proposed use;
- Documentation of any unique needs of the proposed specific land use, how the subject site meets those needs, and how other sites in the trade area do not meet those unique needs;
- Analysis of land uses/intensities on the north side of Pine Ridge Road from I-75 to the subject site then west of it;
- Analysis of compatibility with low density residential uses to the east/northeast of the site across Livingston Road;
- Feasibility analysis of interconnection to the north (an access road to Community School of Naples) and shared access on Pine Ridge Road with the ballet school to the west.

A limited amount of data and analysis was provided with the petition submittal in June, 2014. In January, 2015 the petitioner submitted additional data and analysis. The petitioner's data and analysis consists of: environmental assessment; public facilities impact analysis, including TIS (traffic impact statement); inventory of existing auto dealerships; Honda vehicle ownership by zip code; commercial inventory analysis of South Naples, East Naples, Central Naples and Golden Gate Planning Communities; Honda settlement agreement excerpt; dealership size requirements; excerpt from an auto industry article.

The public facilities impact analysis indicates no concern for category A public facilities. The TIS demonstrates the proposed use will have a lesser impact than the presently allowed office uses. Given that the site was cleared of native vegetation decades ago and maintained that way, as evidenced by Collier County Property Appraiser aerial maps, there are no habitat protection concerns. The site is within a wellfield special treatment overlay; any potential concerns about wellfield impacts may be appropriately addressed through review of subsequent development order applications. The settlement agreement (between American Honda Motor Co. and Germain Honda of Naples) excerpt establishes the locational restrictions for the Germain Honda dealership if it proposes relocation within five years of the date of the agreement, December 2013, as well as specifies the minimum road frontage. The data submitted indicates the dealership size requirement is a minimum of nearly six acres and almost 35,000 square feet of building floor area. The subject site and proposed subdistrict text meets these requirements. The subject site is centrally located to the majority of present Honda vehicle owners in Collier County, but other potential sites might be as well.

The petitioner has not demonstrated that incompatibilities exist on the subject site such that a change to the future land use designation is needed, or that there is an established community desire or vision for the subject site to be developed as proposed (historically acceptable considerations by the state land planning agency). Accordingly, the inventory analysis alone is the key consideration – is there a need for a future land use map change to increase the amount of commercial allowed in this area, and if so, is this the appropriate location to fulfill that need?

Staff's evaluation of the petitioner's commercial analysis yields three deficiencies: 1) the petitioner did not evaluate - or did not provide documentation - properties designated on the Future Land Use Map to allow the needed commercial zoning, e.g. Mixed Use Activity Center, but not already zoned to allow the proposed use (C-3 subject to conditional use approval), C-4, C-5, and PUDs that allow auto dealership use); 2) contiguous properties of less than 10-12 acres that could potentially be aggregated to meet the desired size threshold; and, 3) properties larger than 10-12 acres that could potentially be split so as to create a 10-12 acre parcel. All of these are typical evaluations that would occur in conducting a land use inventory evaluation. The petitioner was notified of these deficiencies but chose not to conduct a further evaluation.

Analysis of land uses/intensities on Pine Ridge Road from I-75 to Livingston Road and beyond: On the south side of Pine Ridge Road, retail uses are allowed from I-75 to Livingston Road; west of Livingston Road is a water retention pond beneath the FPL easement, then residential development. On the north side of Pine Ridge Road, retail uses are allowed from I-75 for a distance west for about 2/3 mile; then office uses within the easterly portion of Cambridge Square PUD; then retail uses within the westerly portion of Cambridge Square PUD to Livingston Road. West of Livingston Road is the subject site limited to office uses, then a dance studio, a gymnastics center, and residential development. Presently, Livingston Road serves as a divider of use intensity – more intense land uses lie to the east and less intense uses lie to the west.

Regarding compatibility, it is staff's observation that auto dealerships sometimes have parking lot lighting that is brighter than typical retail uses (understandable, since their merchandise is located outside under these lights rather than inside a building as is the case with most retail merchandise). An example is the newest dealership, Tamiami Hyundai located on Airport Road, just south of Orange Blossom Drive; its parking lot is noticeably brighter than commercial uses in the broader surrounding area. Also, repair facilities, car washes and auto deliveries may generate considerable noise. However, given the surrounding uses of the subject site, the proposed use is generally compatible; specific compatibility measures are appropriately considered as part of the rezone petition.

VII. NEIGHBORHOOD INFORMATION MEETING (NIM) NOTES:

A Neighborhood Information Meeting (NIM) required by LDC Section 10.03.05 F was [duly advertised, noticed and] held on December 3, 2014, 5:30 p.m. at Etudes de Ballet dance studio, located at 3285 Pine Ridge Road, Naples, FL 34109. This NIM was advertised, noticed and held jointly for this small scale GMP amendment petition and companion PUD rezone petition.

The applicant team gave a presentation, and then responded to questions. A total of seven members of the public signed in at the NIM. Two persons expressed opposition, two expressed support, and one requested information. NIM summary minutes, prepared by the applicant team, are included in this petition package. The meeting was ended at approximately 6:05 pm.

[synopsis prepared by David Weeks, AICP, Growth Management Manager]

VIII. FINDING AND CONCLUSIONS:

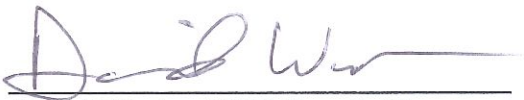
- There are no infrastructure related concerns.
- There are no adverse environmental impact concerns.
- This is an infill site located at the intersection of two arterial roads and is encumbered by FPL easements that contain electric transmission lines.
- The site is adjacent to institutional uses on two sides, is separated by an arterial road from multi-family residential development on one side, is separated by an arterial road and local road from single family residential development on a portion of one side, and is separated by an arterial road from commercial property under development on a portion of one side.
- The site is presently zoned "A" and developed with a plant nursery, florist and pool cleaning service. The plant nursery has existed since the mid-1990s.
- The site is presently designated in the GMP to allow 40,000 s.f. of general and medical office development.
- There are potential compatibility concerns regarding noise and glare; however, these may be addressed through the companion PUD amendment petition.
- Livingston Road presently serves as a boundary of use intensity along the Pine Ridge Road corridor – more intense uses are to the east and less intense uses are to the west.
- The submitted data and analysis is incomplete thus inadequate to support this amendment.


IX. LEGAL CONSIDERATIONS:

This staff report has been approved as to form and legality by the Office of the County Attorney.
[HFAC]

- X. **STAFF RECOMMENDATION:** Staff recommends that the Collier County Planning Commission forward Petition PL20140001282/CPSS-2014-2 to the Board of County Commissioners with a recommendation *not* to approve for adoption and transmittal to the Florida Department of Economic Opportunity based upon findings that the submitted data and analysis is inadequate to support the petition, and Livingston Road could reasonably continue to serve as the divider between the more intensive commercial development allowed to the east and the low intensity commercial and non-commercial uses allowed to the west.

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Prepared By:  Date: 4-19-15
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Reviewed By:  Date: 4-20-15
Michael Bosi, AICP, Director
Zoning Division

Approved By:  Date: 4-23-15
Jamie French, Deputy Department Head
Growth Management Department

Approved By:  Date: 4-28-15
Nick Casalanguida,
Deputy County Manager

Petition Number: PL20140001282/CPSS-2014-2
Staff Report for May 7, 2015 CCPC meeting

NOTE: This petition has been scheduled for the June 23, 2015 BCC meeting.