

## EXECUTIVE SUMMARY

**Recommendation to deny (not adopt) the Livingston/Pine Ridge Commercial Infill Subdistrict small-scale amendment to the Collier County Growth Management Plan, Ordinance 89-05, as Amended, for transmittal to the Florida Department of Economic Opportunity. (Adoption Hearing) (PL201400001282/CPSS-2014-2) [Companion to Petition PUDZ-PL20140001326]**

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**OBJECTIVE:** For the Board of County Commissioners (BCC) to deny (not adopt) the proposed small-scale Growth Management Plan (GMP) amendment and not approve the amendment for transmittal to the Florida Department of Economic Opportunity.

**CONSIDERATIONS:** The subject petition is submitted as a small-scale comprehensive plan amendment. As such, per Florida Statutes, the request is heard once only by the Collier County Planning Commission and the BCC. If approved by the BCC, the petition is transmitted to the Florida Department of Economic Opportunity (DEO).

Per Chapter 163.3187, Florida Statutes, there are limitations for this type of amendment, as identified below, followed by staff comments in *[brackets]*.

1. Parcel must be 10 acres or less in size. *[The proposed amendment pertains to 10 acres of the 10.47-acre subject site.]*
2. The annual cumulative 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 portion of the 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).]*
3. No text change to the goals, objectives and policies; only a site specific small-scale land use change to the future land use map shall be permitted. However, a text change related directly to, and adopted simultaneously with, a small-scale future land use map change amendment shall be allowed. *[The proposed text change is directly related to, and is proposed to be adopted simultaneous with, a small-scale future land use map amendment.]*
4. Site is not located within an Area of Critical State Concern (ACSC). *[The site is not located within the ACSC.]*

This petition seeks to amend the Future Land Use Element of the Collier County Growth Management Plan by:

- a. Revising the Livingston/Pine Ridge Commercial Infill Subdistrict text to add one use – new car sales – on the southerly ten acres of the 10.47-acre parcel comprising the northwest quadrant of the Subdistrict (the southeast quadrant of this Subdistrict is not affected by this amendment); and,

- b. 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 maps are depicted on Ordinance Exhibit A.

**FINDINGS AND CONCLUSIONS:** Based on the review of this small scale GMP amendment petition, including the supporting data and analysis, staff makes the following findings and conclusions.

- There are no infrastructure related concerns and 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 Planned Unit Development (PUD) rezone 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.

**FISCAL IMPACT:** The cost to process, review and advertise this petition was borne by the petitioner via application and advertisement fees. Therefore, there are no fiscal impacts to Collier County as a result of the adoption of this amendment.

**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 GMP amendment 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]

**GROWTH MANAGEMENT IMPACT:** Adoption of the proposed amendment by the Board for transmittal to the Florida Department of Economic Opportunity will commence the thirty-day (30) challenge period for any affected person. Provided the small-scale development amendment is not challenged, it shall become effective thirty-one (31) days after Board adoption.

**COMPREHENSIVE PLANNING STAFF RECOMMENDATION:** That the Board deny and not transmit this small-scale GMP amendment to the Florida Department of Economic Opportunity, as it is staff's opinion that the petitioner has not demonstrated, through data and analysis, that there is a need for additional commercial in this area of the requested intensity, nor that this is the appropriate location.

**COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION:** The CCPC heard this petition at their May 7 and 21, 2015 meetings. The CCPC voted unanimously (5/0) to forward the subject petition to the BCC with a recommendation to adopt and transmit to the Florida Department of Economic Opportunity, subject to two changes: 1) revise the proposed Subdistrict Map for clarity (replace shading with cross-hatching); 2) delete "and used" from the proposed text so as to correlate with the PUD text (the Subdistrict text would read, in relevant part: "and/or on the southern 10 acres labeled on the map as Auto Dealership Overlay, New car sales not to exceed 60,000 square feet building area are allowed"). Both changes are reflected in the Ordinance Exhibit A map and text.

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Attachments:

- 1) CCPC Adoption Staff Report
- 2) Ordinance and Exhibit "A" text and maps
- 3) Project application and documentation. Project application and documentation are available at:

[http://www.colliergov.net/ftp/AgendaJune2315/GrowthMgmt/BCC\\_Hearing\\_Petition\\_PL\\_20140001282\\_CPSS-2014-2.pdf](http://www.colliergov.net/ftp/AgendaJune2315/GrowthMgmt/BCC_Hearing_Petition_PL_20140001282_CPSS-2014-2.pdf)