

GMP Amendment Pre-application Meeting Standard Comments

The Comprehensive Planning Section schedules all GMP amendment pre-application meetings, which are mandatory, and coordinates the review of all amendment petitions received.

Per the Fee Schedule adopted by Resolution 2014-224, the non-refundable pre-application meeting fee is \$500.00; it is credited towards the petition fee – if the petition is submitted within nine months. The petition fee is \$16,700.00 (\$9,000.00 for a small-scale petition), which is non-refundable, *plus* a proportionate share of the legal advertising costs. For small-scale petitions, there are only two hearings – one each before the Collier County Planning Commission (CCPC) and the Board of County Commissioners (BCC); one ¼ page ad (or larger as appropriate) is placed in the Naples Daily News prior to CCPC hearing, and prior to BCC hearing. At present, the total cost for the 2 ads is approximately \$2,530.80 (or more depending on size). For all other amendment petitions, a total of four public hearings are held - Transmittal hearing before CCPC and BCC, Adoption hearing before same two bodies; however, four legal ads are placed in the Naples Daily News (one for each CCPC hearing and for each BCC hearing). Presently, the total cost for the 4 legal ads (depending on size) is approximately \$10,123.20 (approximately). The estimated legal advertising costs will be provided to each petitioner and payment will be required prior to advertising for any hearings; if any refund due the petitioner after hearings are held, will be provided at that time.

In addition to the petition fee and legal ad costs noted above, payment must also be made for a Traffic Impact Study Review Fee. This fee should be submitted directly to the Transportation Planning Department. Please see their website at: <http://www.colliergov.net/Index.aspx?page=566> and/or contact that Department for more details.

Three amendment cycles were established by Resolution 2012-234. The actual month in which each of the cycles begins is set annually; for 2013, 2014 and 2015, they are April, June and October. The submittal deadline is 5:00 p.m. on the last Friday in the established months. Some amendment petitions are exempt from the annual cycle – may be submitted and processed at any time; these include DRI-related amendments and small-scale amendments. A small-scale amendment is limited to a parcel ≤ 10 acres in size, and is limited to a map amendment only or map amendment with directly related text; further, the map amendment cannot result in a conflict between the map and text – there can be no internal inconsistency in the GMP.

For the most part, there is no guidance/criteria/standards provided in the GMP itself by which to review amendments for consistency; one exception is for significant impacts upon public facilities as provided for in Policy 1.1.2 of the CIE. However, Chapter 163, Florida Statutes, does provide guidance. *Note particularly the requirement to provide appropriate data and analysis to demonstrate the amendment is needed.* Generally, staff reviews for, and an applicant should adequately address in the submittal:

- Appropriateness of uses/compatibility with surrounding area.
- Impact upon surrounding properties – will it make them less developable under their present FLUM designation? Will it create a domino effect leading to future designation changes on the surrounding properties?
- *Need for the designation change – data and analysis*, e.g. market demand study for commercial uses, to demonstrate the change is warranted, that more inventory of the requested uses is needed. Too often, the data only demonstrates the petition site is *viable* for the proposed uses (“build it & they will come”) rather than demonstrate there is a *need* for a new or expanded GMP provision to provide for the proposed uses, and that the need is at the subject location. The data should be specific to the proposed land uses, proposed trade service area, persons per household in subject area, etc. as applicable. It is recognized there is more than one acceptable methodology, e.g. radial distance from site

(ULI standards for neighborhood/community/regional commercial centers), drive time, etc. Regardless of methodology, the raw data needs to be submitted to allow staff to review it for completeness and accuracy (sometimes parcels are omitted, double counted, included when shouldn't be, etc.). Also, as with all submitted documents, maps of trade service area need to be legible and include adequate identification features, e.g. major roads, Section-Township-Range.

- LOSS (level of service standards) impacts upon public facilities – roads, potable water, sanitary sewer, drainage, solid waste, parks & recreation facilities, etc.
- Within the above is consideration of site-specific impacts, e.g. impact upon wetlands and listed species habitats on-site and nearby; and, traffic impacts (operational/safety) from the traffic volume generated/attracted and/or the ingress/egress points - turning movements, median openings, traffic signals, etc. Included within this would be a comparison between impacts that would be expected under the existing zoning and/or FLUM designation vs. that which could be expected under the proposed amendment.
- Consistency/conformity/harmony with other Goals, Objectives, Policies (GOPs) and provisions in the Element being amended and any other Element of the GMP relevant to the petition, as well as any other applicable regulations (e.g. Manatee Protection Plan, specific LDC provisions).
- Furtherance of existing GOPs relevant to the petition.
- Furtherance of any other plans or designations that is applicable or relevant to the petition (e.g. a redevelopment plan, Area of Critical State Concern, Rural Area of Critical Economic Concern).
- Energy efficiency and conservation, as required in HB 697 (2008).

Market Study Info for Commercial Requests

It is the responsibility of every applicant to utilize and provide the best available data as a sound foundation on which to build their requested amendment.

Collier County annually produces population estimates and projections. The County also prepares regular updates to its commercial inventory – and these are available to use in market studies.

Generally, the actual need for a FLUM designation change is determined through data and analysis, e.g. market demand study for commercial uses, with results which demonstrate the change is warranted, and that additional inventory of the requested uses is needed.

Too often, the data fails to reach the desired standard, merely demonstrating the subject site is *viable* for the proposed uses (“build it & they will come) rather than demonstrating there is an actual *need* for a new or expanded GMP provision to provide for the proposed uses, and that this need is best served at this location. Data and analysis should substantiate that benefits from the proposed project will be evident Countywide – or at least throughout the market area to be served, without detriment to other existing and planned developments – and not only to the property owner.

The data should be specific to the proposed land uses, proposed trade, market or service area, persons per household in subject area, etc., as applicable.

Market demand studies should develop scenarios to explain how the subject property will compete with other ‘like areas’ in or near the market, service or trade, area.

Market demand studies should also gauge the amount of vacant units/square footage/leasable area within the Planning Community/Communities involved, and of ‘like area’ nodes in the market area, such as within each Mixed Use Activity Center (MUAC), each Estates Neighborhood Center, each Subdistrict, and so on – acknowledging the premise that vacancies and vacancy rates are valid indicators for determining need/demand/support.

A commercial market study should contain a sufficient amount of information for a substantive review, including:

1. Identification and description of the project’s trade/market area:

- Trade/market area – radial, gravity, drive-time model or other method?
 - Radial: analyses are performed by selecting and evaluating demographics that fall within a pre-defined radial distance from the business location.
 - Gravity: provides an approximation of business trade area by looking spatially at the distribution of all locations, including competitors, and evaluating each location’s relative attractiveness.
 - Drive-time: analyses include digitized roadway systems (accounts for speed, lanes, barriers, etc.). Method is valid for convenience scenarios where patrons are expected to go to the closest or most logistically convenient location.

- Trade/market area size varies depending upon the scale of the development.

The boundary may not be spherical – adjusted on the basis of transportation network, geographic constraints, density, etc.

2. Guidelines for determining the Market Area (ULI)

| Center Type | Leading Tenant | Typical GLA | General Range in GLA | Typical Minimum Site Area | Minimum Support Required | Market Size (Radius) |
|--------------|---|-----------------|-----------------------------|---------------------------|--------------------------|----------------------|
| Neighborhood | Supermarket or Drugstore | 50,000 sq. ft. | 30,000 – 100,000 sq. ft. | 3 acres | 2,500 – 40,000 people | 1 ½ miles |
| Community | Variety Discount or Junior Dept. Store | 150,000 sq. ft. | 100,000-450,000 sq. ft. | 10 + acres | 40,000 – 150,000 people | 3-5 miles |
| Regional | One or more full-line Dept. stores of at least 100,000 sq. ft. of GLA | 400,000 sq. ft. | 300,000 – 1,000,000 or more | 30-50 acres or more | 150,000 or more people | 8 miles |

3. Trade/market data must include the following figures:
(estimates and projections are needed for most categories)

- Population
- Number of dwelling units
- Household income
- Total trade area income
- Sales per sq. ft. (method – divide total retail sales w/in county by # of sq. ft. of retail space)
- Floor Area Ratios (building to land ratios – derive from inventory)
- Retail expenditures (some studies break down figures by retail type, others by percentage from Census or other source)

- Supportable square feet
(divide projected retail expenditures by sales per sq. ft. then multiply supportable sq. ft. by vacancy rate [to obviously account for vacancies])
 - Land use requirement (divide total supportable sq. ft. by 43,560 and then by FAR to determine acreage requirements)
 - Supply of commercial land uses
 - Compare supply to demand
4. Office demand is calculated on a per capita method (sq. ft./person) must factor in the vacancy percentage/rate.

Too often the “Market Factors”/ “Population Factors” / “Commercial Analysis” portions of a Study appear to provide only some of these figures, but in the form of broad statements and drawn conclusions, with the lack of proper data and analysis evident. Of course, many applicants have chosen to provide more data and analysis, but the items shown above represent the minimum amount of information necessary to form a determination.

It is important to carefully organize the amendment package; be sure all exhibits are consistently labeled, are in the proper order, and are correctly referenced on the pages of the application. For site-specific amendments, be sure to clearly identify the subject site, include North arrow and scale, and source. A petition narrative is often helpful. For corporate ownership, it is not acceptable to only list the corporation name. In some instances, property is owned by a corporation that in turn is comprised of other corporations. It is necessary to provide a list of individuals as officers or stockholders of the corporation(s) for purposes of full disclosure. The objective of disclosure is to reveal the individuals with an interest in the property (including seeing if any staff or public officials are included).

For a submitted petition, after the sufficiency review process is complete and the petition package is deemed sufficient, an electronic version of the entire submittal is needed, preferably in PDF format, preferably on a CD. This is because the County has instituted an electronic (paperless) agenda process for the Board of County Commissioners’ hearings. For hard copies, the petition packages need to be submitted on 3-hole punch paper - and preferably two-sided copies - as the amendments are presented to hearing bodies in 3-ring binders.

The Land Development Code (LDC) requires the petitioner of a site-specific GMP amendment to hold a Neighborhood Information Meeting (NIM) similar to that presently required for Rezone petitions; this would occur after a finding of sufficiency of the petition submittal but prior to the CCPC Transmittal hearing (or CCPC Adoption hearing in case of small-scale amendment). The LDC also requires the petitioner of a site-specific GMP amendment to post a notice(s) of the CCPC hearing on the property, for both Transmittal and Adoption hearings.

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GMPA pre-app standard comments
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 dw/3-23-04 & 1/21/05 & 2/9/05 & 4/19/05

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