

ORDINANCE NO. 15-42

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NO. 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP AND MAP SERIES BY REVISING THE LIVINGSTON/PINE RIDGE COMMERCIAL INFILL SUBDISTRICT TO ADD NEW CAR SALES USES UP TO 60,000 SQUARE FEET AS AN ALTERNATIVE TO GENERAL AND MEDICAL USES ON THE SOUTHERN 10 ACRES OF THE SUBDISTRICT'S NORTHWEST QUADRANT. THE SUBJECT PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF PINE RIDGE ROAD (CR 896) AND LIVINGSTON ROAD INTERSECTION IN SECTION 12, TOWNSHIP 49 SOUTH, RANGE 25 EAST; AND FURTHERMORE, RECOMMENDING TRANSMITTAL OF THE AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. [PL20140001282 / CPSS-2014-2]

WHEREAS, Collier County, pursuant to Section 163.3161, *et. seq.*, Florida Statutes, 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, JAZ Real Estate Holdings Company LLC requested an amendment to the Future Land Use Element to add an alternative use to the Livingston/Pine Ridge Commercial Infill Subdistrict; and

WHEREAS, pursuant to Subsection 163.3187(1), Florida Statutes, this amendment is considered a Small Scale Amendment; and

WHEREAS, the Subdistrict property is not located in an area of critical state concern or an area of critical economic concern; and

WHEREAS, the Collier County Planning Commission (CCPC) on May 7, 2015 and May 21, 2015 considered the proposed amendment to the Growth Management Plan and recommended approval of said amendment to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Collier County did take action in the manner prescribed by law and held public hearings concerning the proposed adoption of the amendment to the Future Land Use Element and Future Land Use Map and Map Series of the Growth Management Plan on July 7, 2015; and

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

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

SECTION ONE: ADOPTION OF AMENDMENT TO THE GROWTH MANAGEMENT PLAN

The Board of County Commissioners hereby adopts this small scale amendment to the Future Land Use Element and Future Land Use Map and Map Series in accordance with Section 163.3184, Florida Statutes. The text amendment is attached hereto as Exhibit "A" and incorporated herein by reference.

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 commence 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 7<sup>th</sup> day of July, 2015.

ATTEST:  
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

*By [Signature]*  
Deputy Clerk:  
**Attest as to Chairman's signature only.**

BY: *TeNance*  
TIM NANCE, Chairman

Approved as to form and Legality:

*Heidi Ashton-Cicko*  
Heidi Ashton-Cicko,  
Managing Assistant County Attorney  
*MACE 6/12/15*

Attachment: Exhibit A – Proposed Text Amendment & Map Amendment

This ordinance filed with the Secretary of State's Office the 9<sup>th</sup> day of July, 2015 and acknowledgement of that filing received this 9<sup>th</sup> day of July, 2015  
By *[Signature]*  
Deputy Clerk



EXHIBIT A

FUTURE LAND USE ELEMENT

FUTURE LAND USE DESIGNATION DESCRIPTION SECTION

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I. URBAN DESIGNATION

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C. Urban Commercial District

This District is intended to accommodate almost all new commercial zoning; a variety of residential uses, including higher densities for properties not located within the Urban Coastal Fringe or Urban Residential Fringe Subdistricts; and a variety of non-residential uses.

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3. Livingston/Pine Ridge Commercial Infill Subdistrict:

This Subdistrict consists of two parcels; one parcel consists of 17.5 acres and is located at the southeast quadrant of Livingston Road, a collector roadway, and Pine Ridge Road, a minor arterial roadway. The second parcel consists of 10.47 acres and is located at the northwest quadrant of Livingston Road and Pine Ridge Road. In addition to uses allowed in the Plan, the intent of the Livingston/Pine Ridge Commercial Infill Subdistrict is to provide shopping, personal services and employment for the surrounding residential areas within a convenient travel distance and to provide commercial services in an acceptable manner along a new collector roadway. The Subdistrict is intended to be compatible with the neighboring commercial, public use and high density residential properties and will utilize well-planned access points to improve current and future traffic flows in the area.

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b. Northwest Quadrant

The feasibility of interconnections to the abutting properties to the North and West will be considered and, if deemed feasible, will be required during the rezoning of the subject property.

This quadrant shall be limited to general and medical office uses, provided that the total building square footage does not exceed 40,000 square feet 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. Building height shall be limited to three stories with a 50 foot maximum height.

CPSS-2014-2 Exhibit A text rev.

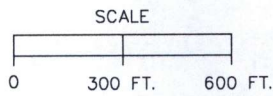
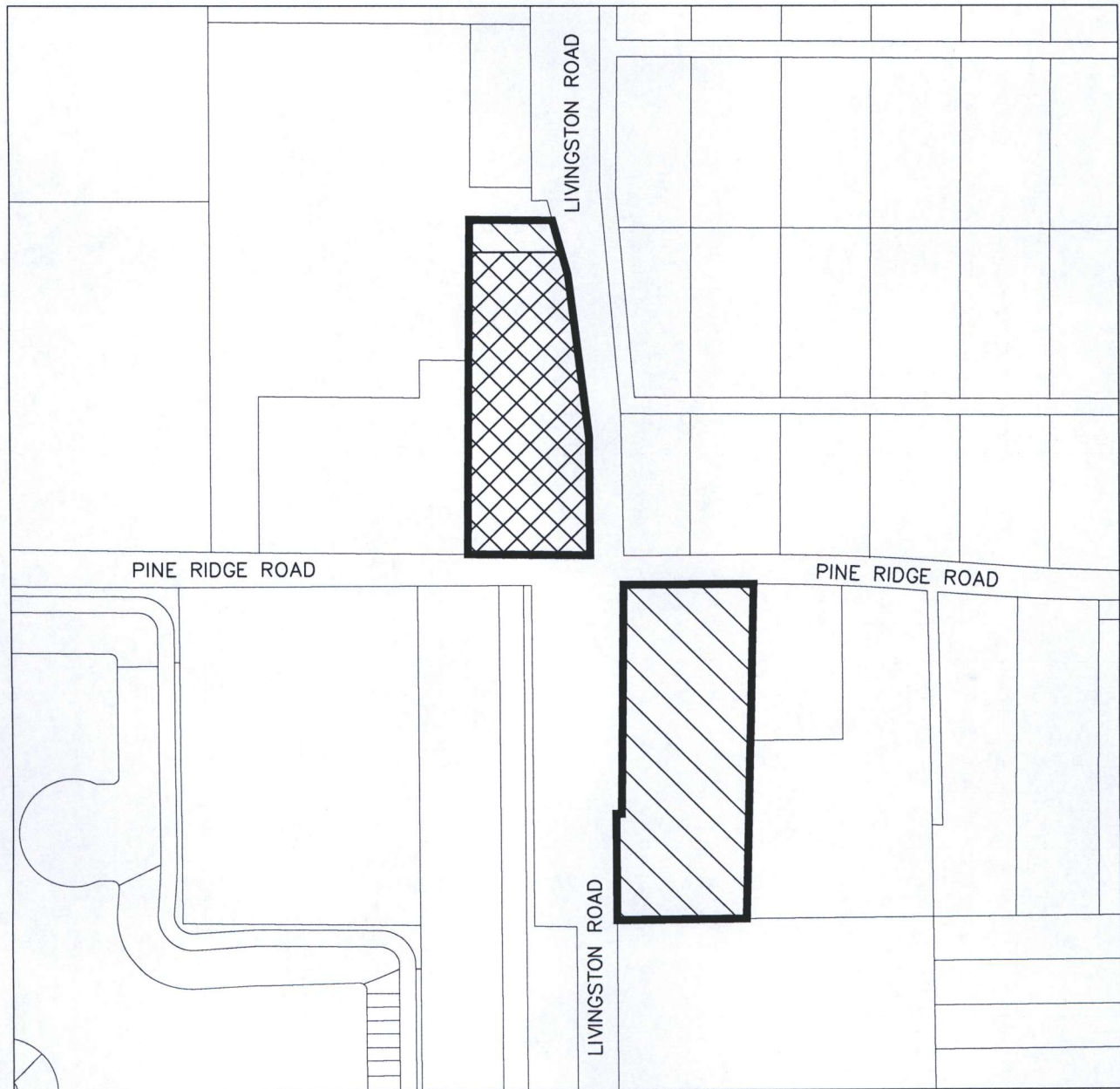
G:\CDES Planning Services\Comprehensive\COMP PLANNING GMP DATA\Comp Plan Amendments\2014 Cycles & Small Scale Petitions\2014 Small-Scale Petitions\CPSS-2014-2 Liv-PR Com1 - add car dealership\Exhibit A text & maps dw/5-21-15



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



LIVINGSTON / PINE RIDGE COMMERCIAL INFILL DISTRICT  
COLLIER COUNTY, FLORIDA

**DRAFT**



LEGEND	
	SUBDISTRICT
	AUTO DEALERSHIP OVERLAY PORTION OF SUBDISTRICT (10 ACRES)

PREPARED BY: GIS/CAD MAPPING SECTION  
GROWTH MANAGEMENT DEPARTMENT  
DATE: 5/2015 FILE: CPSS-2014-2.DWG





## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

July 9, 2015

Honorable Dwight E. Brock  
Clerk of the Circuit Court  
Collier County  
Post Office Box 413044  
Naples, Florida 34101-3044

Attention: Ms. Martha S. Vergara, BMR Senior Clerk

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 15-42, which was filed in this office on July 9, 2015.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb