

EXECUTIVE SUMMARY

Recommendation to deny the Southbrooke Office Subdistrict small-scale amendment to the Collier County Growth Management Plan, Ordinance 89-05, as Amended, and not to transmit to the Florida Department of Economic Opportunity. (Adoption Hearing) (PL20140002143/CPSS-2014-4) [Companion to Petition PUDZ-PL20140002077].

OBJECTIVE: For the Board of County Commissioners (BCC) to deny (not adopt) the proposed small-scale Growth Management Plan amendment and not to approve said 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 (CCPC) and the BCC. If approved by the BCC, the petition is transmitted to the Florida Department of Economic Opportunity (DEO). If denied by the BCC, the petition is not transmitted to the DEO.

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

1. The proposed amendment involves a use of 10 acres or fewer. *[The subject site comprises ±5.18 acres.]*
2. 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. *[As of July 7, 2015, three small scale GMP amendments have been approved in calendar year 2015 for a total of 18.776 acres (0.876 + 7.9 + 10); no other small scale GMP amendments have been approved since July 7. Including the subject site, a total of three small scale GMP amendments are presently under review – comprising 22.06 acres total (5.18 + 6.96 + 9.92).]*
3. 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 are permissible under this section. *[This amendment is for a site-specific Future Land Use Map change and directly related text change.]*
4. 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.]*

Note: Because the support materials are voluminous, and some exhibits may be oversized, the Agenda Central system does not contain all of the related documents pertaining to this GMP amendment petition. The entire Executive Summary package, including all support materials, is included in the binder that is available for review in the Comprehensive Planning Section office at 2800 North Horseshoe Drive, Naples, as well as in the Clerk of Courts/Minutes and Records office at 3299 Tamiami Trail East, Suite 401, Naples.

This petition seeks to amend the Golden Gate Area Master Plan Element (GGAMP) of the Collier County Growth Management Plan to:

- a. Establish the new Southbrooke Office Subdistrict on the subject 5.18-acre site to allow up to 40,000 square feet of gross floor area for uses allowed in the C-1, Commercial Professional and General Office zoning district;
- b. Revise the area-wide Golden Gate Area Future Land Use Map (FLUM) to reflect this new map designation; and,
- c. Create the new Southbrooke Office Subdistrict inset map, part of the FLUM Series, to reflect the new designation of the subject site.

The proposed amended Subdistrict text and maps are depicted on Ordinance Exhibit A.

FINDINGS AND CONCLUSIONS: Based on the review of this petition, including the supporting data and analysis, staff makes the following findings and conclusions. More analysis is provided in the Staff Report to the CCPC.

- The Future Land Use Element (FLUE) and the GGAMP currently provide for future commercial development to accommodate the growing population in, and direct it to, Urban Designated Areas, Mixed Use and Interchange Activity Centers, and Neighborhood Centers;
- The 2011 Evaluation and Appraisal Report (EAR) did not call for any amendments to this segment of the Immokalee Road corridor, and the existing GGAMP continues to reflect the adopted vision of the greater community;
- The re-study of the GGAMP taking into consideration the desires of the greater community should remain paramount, and not be set aside by a single, piecemeal proposal;
- The existing Future Land Use designation allows for non-commercial uses already recognized as viable transitional uses on the subject site (essential services);
- The existing Future Land Use designation allows for viable residential development of one single family dwelling unit per tract (two units total), albeit at a price point reflective of the site's location. Staff does not accept the petitioner's assertion to the contrary and staff notes there are existing developed single family neighborhoods that back up to a 6-lane divided roadway – including Pebblebrooke Lakes about two miles to the east on Immokalee Road, and Regent Park about two miles to the west on Immokalee Road (other locations are identified in the CCPC Staff Report). These other locations are all urban sized lots - 1/4 to 1/3 of an acre with about 130 feet of depth - vs. the subject site comprised of two Golden Gate Estates tracts of about 2.5 acres each and 300 feet of depth;
- The commercial development across Immokalee Road to the north does not render the subject site incompatible for single family development. Most of those commercial uses are office or other non-retail uses; and, those uses are oriented to the north where they access Executive

Drive, not Immokalee Road. While many may find the subject site undesirable for single family development, some may find it acceptable as would be reflected in the price point for this location;

- This petition introduces commercial development on the south side of Immokalee Road, within the Estates designation, where none presently exists;
- If this petition is approved, the parcel adjacent to the east will become eligible for Transitional Conditional Uses (conditional uses allowed in the E, Estates zoning district, e.g. church, child care, nursing home, social and fraternal organization, etc.) and more-attractive to commercial development;
- The site's mid-block location introduces isolated commercial development, which is discouraged by the GMP;
- Approving this single mid-block commercial property is akin to spot zoning;
- Of all of the privately-initiated amendments to the GMP since its adoption in 1989, to allow commercial-only development, none are located mid-block – this would be the first one;
- No infrastructure related concerns result from this amendment. Concerns related to vehicular access to Immokalee Road are worth noting, but are addressed in the companion PUD rezone petition;
- No adverse environmental impacts result from this amendment;
- No historic or archaeological sites are affected by this amendment;
- Based on data and analysis submitted for the supply of existing and potential commercial professional and medical office development and demand within the trade area for the subject site, the additional need for commercial professional and medical office uses contemplated by this amendment to serve the surrounding residential areas has been demonstrated;
- Located *within* Activity Center No. 4 are a number of Planned Unit Developments and commercially zoned properties, totaling approximately 1,106,400 sq. ft. commercial professional and medical office floor area and more than 188 acres – developed and undeveloped – with more than 45,380 undeveloped square feet approved for commercial development that can accommodate a portion of this identified need.

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: “plan amendments shall be based on relevant and appropriate data and an analysis by the local government that may include but not be limited to, surveys, studies, community goals and vision, and other data available at the time of

adoption of the plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue.” 163.3177(1)(f), FS. In addition, s. 163.3177(6)(a)2, FS provides that FLUE plan amendments shall be based on 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 non-conforming 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 need to modify land uses and development patterns with antiquated subdivisions.
- i. The discouragement of urban sprawl.
- j. The need for job creation, capital investment and economic development that will strengthen and diversify the community’s economy.

And FLUE map amendments shall also be based upon the following analysis per Section 125.3177(6)(a)8.:

- a. An analysis of the availability of facilities and services.
- b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.
- c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.

This 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 BCC for transmittal to the Florida DEO 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 days (31) after BCC adoption.

COMPREHENSIVE PLANNING STAFF RECOMMENDATION: That the BCC not adopt and transmit this small-scale GMP amendment to the Florida Department of Economic Opportunity.

COLLIER COUNTY PLANNING COMMISSION RECOMMENDATION: The CCPC heard this petition at their September 3, 2015 meeting. The CCPC voted unanimously to forward the subject petition to the BCC with a recommendation to adopt and transmit to the Florida

Department of Economic Opportunity, with a minor text change which is reflected in the proposed ordinance.

There were two speakers at the CCPC meeting; one spoke in favor of the petition; the other, representing the Oakes Estates Neighborhood Association, the residential neighborhood to the south, east and west, expressed non-objection to the petition and thanked the petitioner for working with the neighborhood to address their concerns. That Association also provided a letter of non-objection.

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Attachments:

- 1) CCPC Adoption Staff Report
- 2) Ordinance and Exhibit "A" text and maps
- 3) Project application and documentation - available at:
http://www.colliergov.net/ftp/2015BCCMeetings/AgendaOct1315/GrowthMgmt/CPSS-2014-4_Southbrooke%20Subdistrict_Petition.pdf