

EXECUTIVE SUMMARY

Recommendation to approve the single petition within the 2016 Cycle 2 of Growth Management Plan Amendments for transmittal to the Florida Department of Economic Opportunity for review and Comments response, for an amendment specific to the Logan Boulevard/Immokalee Road Commercial Infill Subdistrict in the southeast quadrant of the Immokalee Road (CR 846) – Logan Boulevard intersection. (Transmittal Hearing) (CP-2016-2/PL20160001100)

OBJECTIVE: For the Board of County Commissioners (Board) to approve the single petition in the 2016 Cycle 2 of amendments to the Collier County Growth Management Plan (GMP) for transmittal to the Florida Department of Economic Opportunity.

CONSIDERATIONS: Chapter 163, F.S., provides for an amendment process for a local government's adopted Plan.

- Collier County Resolution 12-234 provides for a public petition process to amend the GMP.
- The Collier County Planning Commission (CCPC), sitting as the “local planning agency” under Chapter 163.3174, F.S., held their Transmittal hearing for the 2016 Cycle 2 petition on April 6, 2017 (one petition only, CP-2016-2/PL20160001100).
- This Transmittal hearing for the 2016 Cycle 2 considers an amendment to the Future Land Use Element (FLUE).

The GMP amendment requested is specific to a site comprising approximately 18.64 acres and located in the southeast quadrant of the Immokalee Road (CR 846) – Logan Boulevard intersection, in Section 28, Township 48 South, Range 26 East. The property has approximately 606 feet of frontage on Immokalee Road and 875 feet of frontage on Logan Boulevard.

Petition CP-2016-2/PL20160001100 seeks to establish a new Subdistrict in the Future Land Use Element (FLUE) text, and Future Land Use Map and Map Series of the Growth Management Plan (GMP), to allow 100,000 square feet of commercial development comprised of uses allowed in the C-3, Commercial Intermediate, zoning district. (As submitted, the petition includes some uses from the C-4, General Commercial, zoning district, and data and analysis pertaining to the C-4 range of uses. However, just prior to, and at, the Collier County Planning Commission hearing, the list of requested uses was restricted to only certain C-3 uses.)

The following findings and conclusions result from the reviews and analyses of this request:

- The property is currently zoned “A” and undeveloped.
- There are no known historic or archaeological sites on the subject property.
- Impact from the development will affect a State listed plant – the cardinal airplant – which has been identified in several locations on site, including within the preserve identified on the proposed Planned Unit Development (PUD) master concept plan. Specific requirements for retention/relocation of protected plants are contained in the Land Development Code (LDC) as provided for by the Conservation and Coastal Management Element (CCME).
- The infrastructure needed to serve the development can be provided without related levels of service or concurrency concerns. Though traffic generated by the new development will impact Immokalee Road, west to I-75 and east to Collier Boulevard, and Logan Boulevard, south to Vanderbilt Beach Road – it does not create any additional adverse impacts at buildout. Adverse

conditions are attributable to background traffic growth. Development will require the construction of new right turn lanes at the Logan Boulevard and Immokalee Road project access points, as well as a southbound left turn lane at the Logan Boulevard access point.

- There is capacity on County roadways to accommodate this development within the 5-year plan, therefore the development is consistent with Policy 5.1 of the Transportation Element. However, staff notes that Immokalee Road is projected to fail the required Level-of-Service (LOS) past the current 5-yr plan projections. Staff is diligently working on various network improvements such as the recently approved authorization to reinstate the Vanderbilt Beach Road Extension project which will serve as a parallel corridor within the network.
- The property, along with the surrounding area, is currently designated in the GMP for residential development – as well as uses generally allowed throughout the Urban designated area such as essential services, community facilities, recreation and open space uses, etc. This petition introduces new commercial development, uses and activities to a location where commercial development is not now planned.
- Based on data and analysis submitted for the amount of existing and potential commercial development within the study area for the subject property, the need for the *full range* of commercial development contemplated by this amendment, as submitted, has not been demonstrated. Only those uses for which a demand was demonstrated should be included in this Subdistrict. Further, only those uses appropriate for an upscale commercial development - as committed to at the Neighborhood Information Meeting – should be included. See staff’s recommended Subdistrict text.
- A correlating, companion PUD rezone has been submitted, and will be considered subsequent to, or concurrent with, the Adoption phase of this GMPA petition.
- The applicant made formal commitments to the site design, architectural features, and particular tenant types presented in their Neighborhood Information Meeting to ensure a “high-end”/upscale project. These commitments should be appropriately addressed as part of the companion PUD rezone, not this GMP amendment.

The data and analysis provided for the amendment generally supports the proposed changes to the FLUE, as recommended by staff. Additional staff analysis of this petition is provided in the CCPC Staff Report.

FISCAL IMPACT: No fiscal impacts to Collier County result from this amendment, as this approval is for the Transmittal of this proposed amendment. Petition fees account for staff review time and materials, and for the cost of associated legal advertising/public notice for the public hearings.

GROWTH MANAGEMENT IMPACT: Approval of the proposed amendment by the Board for Transmittal and its submission to the Florida Department of Economic Opportunity will commence the Department’s thirty (30) day review process and ultimately return the amendment to the CCPC and the Board for Adoption hearings tentatively to be held in September and October of 2017.

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.” s. 163.3177(1)(f), F.S.

In addition, s. 163.3177(6)(a)2, F.S. 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 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 with antiquated subdivisions.

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 has been approved as to form and legality, and requires a majority vote for Board approval. [SAS] However, please note if approved today, this petition will require an affirmative vote of four when it returns for the adoption hearing of the GMP amendment.

STAFF RECOMMENDATION TO THE COLLIER COUNTY PLANNING COMMISSION: That the CCPC forward petition CP-2016-2/PL20160001100 to the Board of County Commissioners with a recommendation of approval of the petition with the specific revisions to the applicant's proposed Subdistrict text to limit commercial uses to those for which supportable demand has been demonstrated by the petitioner's data and analysis, would be characteristic of an "upscale" project, and for proper code language, format, clarity, etc. as contained in the staff report to the CCPC.

COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION: The CCPC heard this petition at their April 6, 2017 meeting. In days previous to this hearing, Comprehensive Planning staff collaborated with other participating staff and the applicant, and prepared an Addendum to the CCPC Staff Report that provided a revised version of Subdistrict provisions – list of uses more limited, and square foot limitations added. This version was revised once again regarding allowable uses, with the resulting recommended provisions being presented during this hearing.

Discussion took place by the CCPC about limiting the commercial uses in this Subdistrict to select uses from the C-3, Commercial Intermediate, zoning district, intended to provide clear provisions for formalizing the PUD documents and developing the project. This approach also recognized that developer commitments were made and would be fully addressed in the PUD.

Two speakers made presentations in the CCPC hearing, both in support of the proposal.

The CCPC forwarded petition CP-2016-2/PL20160001100 to the Board with a recommendation to approve for transmittal to the Florida Department of Economic Opportunity (vote: 7/0), per the staff recommendation and other items discussed. (The CCPC-recommended Subdistrict text is reflected in the Resolution Exhibit “A”.)

Commissioners discussed the previously-recommended removal of Subdistrict provisions that reference the C-3 zoning district. Staff believes such reference is important to preparing the companion PUD provisions and implementing development within the Subdistrict, and should remain. Staff intends to address this matter at the Adoption hearing. Commissioners asked staff to review again the uses *allowed* to ensure the applicant’s uses intended for this development are not omitted, and the *exceptions* and uses *not allowed* provide the proper support to the companion PUD.

STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS: To transmit petition CP-2016-2/PL20160001100 to the Florida Department of Economic Opportunity per the CCPC recommendation.

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