

ORDINANCE NO. 19- 21

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS AMENDING ORDINANCE 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN, SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT AND MAP SERIES TO ADD THE LIVINGSTON ROAD/VETERANS MEMORIAL BOULEVARD EAST RESIDENTIAL SUBDISTRICT TO THE URBAN MIXED-USE DISTRICT, TO ALLOW UP TO 304 MULTI FAMILY DWELLING UNITS, AND PROVIDING FOR TRANSMITTAL OF THE ADOPTED AMENDMENTS TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF VETERANS-MEMORIAL BOULEVARD, JUST EAST OF LIVINGSTON ROAD, IN SECTION 13, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 35.57± ACRES. [PL20170004419]

WHEREAS, Collier County, pursuant to Section 163.3161, et. seq., Florida Statutes, the Community Planning Act, formerly 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, SD Livingston, LLC, requested an amendment to the Future Land Use Element and Future Land Use Map and Map Series; and

WHEREAS, Collier County transmitted the Growth Management Plan amendments to the Department of Economic Opportunity for preliminary review on April 8, 2019, after public hearings before the Collier County Planning Commission and the Board of County Commissioners; and

WHEREAS, the Department of Economic Opportunity reviewed the amendments to the Future Land Use Element to the Growth Management Plan and transmitted its comments in writing to Collier County within the time provided by law; and

WHEREAS, Collier County, has 180 days from receipt of the Comments Report from the Department of Economic Opportunity to adopt, adopt with changes or not adopt the proposed amendments to the Growth Management Plan; and

WHEREAS, Collier County has gathered and considered additional information, data and analysis supporting adoption of these amendments, including the following: the Collier County Staff Report, the documents entitled Collier County Growth Management Plan Amendments and other documents, testimony and information presented and made a part of the record at the public hearings of the Collier County Planning Commission held on July 18, 2019 and August 1, 2019, and the Collier County Board of County Commissioners held on September 24, 2019; and

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

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

SECTION ONE: ADOPTION OF AMENDMENTS TO THE GROWTH MANAGEMENT PLAN

The amendments to the Future Land Use Element and Future Land Use Map and Map Series attached hereto as Exhibit "A" and incorporated herein by reference, are hereby adopted in accordance with Section 163.3184, Florida Statutes, and shall be transmitted to the Florida Department of Economic Opportunity.

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.

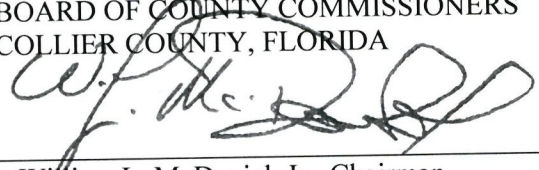
SECTION THREE: EFFECTIVE DATE.


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 commenced 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.

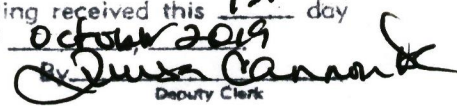
PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this 24th day of September 2019.

ATTEST:
CRYSTAL K. KINZEL, CLERK

Attest as to Chairman's signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: William L. McDaniel, Jr., Chairman

Approved as to form and legality:

Heidi Ashton-Cicko
Managing Assistant County Attorney

This ordinance filed with the Secretary of State's Office the 1st day of October 2019 and acknowledgement of that filing received this 1st day of October 2019
by 
Deputy Clerk

Attachment: Exhibit A – Text and Map

EXHIBIT A
FUTURE LAND USE ELEMENT

II. IMPLEMENTATION STRATEGY

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Policy 1.5

The URBAN Future Land Use Designation shall include Future Land Use Districts and Subdistricts for:

A. URBAN-MIXED USE DISTRICT

[Page 9]

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- 18. Vincentian Mixed Use Subdistrict
19. [RESERVED]
20. Goodlette/Pine Ridge Mixed Use Subdistrict
21. Livingston Road/Veterans Memorial Boulevard East Residential Subdistrict

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FUTURE LAND USE DESIGNATION

DESCRIPTION SECTION

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I. URBAN DESIGNATION

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A. Urban Mixed Use District

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21. Livingston Road/Veterans Memorial Boulevard East Residential Subdistrict

The Livingston Road/Veterans Memorial Boulevard East Residential Subdistrict consists of a 35.57 acres and is located in the southeast quadrant of the intersection of Livingston Road and Veterans Memorial Boulevard and is within a Transportation Concurrency Management Area (TCMA). The purpose of this Subdistrict is to allow for a multi-family development at a density of up to 8.55 units per acre and to fulfill the intent of the TCMA, as stated in FLUE Policy 6.1.

Development in this Subdistrict shall be subject to the following:

- a. The Subdistrict site shall be rezoned to Residential Planned Unit Development (RPUD).
b. Allowable uses are limited to multi-family rental dwellings and shall not exceed 304 units.
c. The RPUD shall demonstrate consistency with FLUE Policy 6.1 by providing two or more of the following:
i. A transit shelter within the RPUD in a location and design approved by Collier County Public

Words underlined are added; words struck-through are deleted.

- i. Bicycle and pedestrian facilities, with connection to the abutting commercial property to the west; and,
- ii. Vehicular interconnection to the abutting commercial property to the west.

Certificates of occupancy shall not be approved for more than 249 multi-family units (a density of 7.0 units per acre) until the applicable facilities and/or interconnections, as described above and approved as Development Commitments in the RPUD, have been completed.

- d. The RPUD shall include development standards and buffers to insure compatibility with surrounding land uses.
- e. Buildings shall be limited in height to a maximum of three stories.

As an alternate to all of the above, this Subdistrict may be developed in accordance with the Urban Residential Subdistrict.

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FUTURE LAND USE MAP SERIES

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“* Logan Boulevard/Immokalee Road

Commercial Infill Subdistrict Map Mini Triangle Mixed Use Subdistrict Map

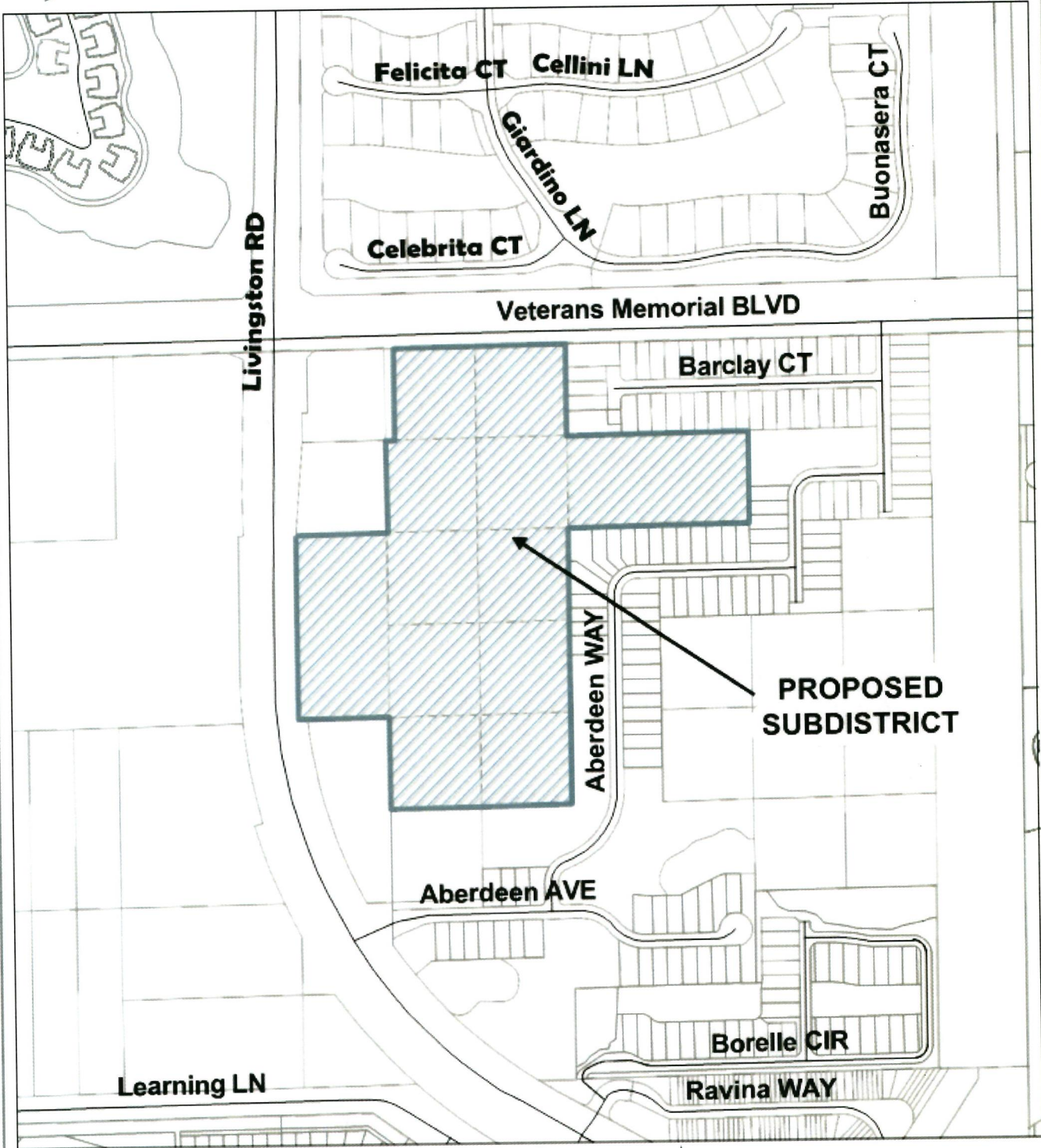
East Tamiami Trail Commercial Infill Subdistrict Map

Livingston Road/Veterans Memorial Boulevard East Residential Subdistrict Map

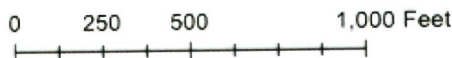
Transit & Neighborhood Enhancement (PTNE) Division;

DRAFT


LIVINGSTON ROAD / VETERANS MEMORIAL BOULEVARD
EAST RESIDENTIAL SUBDISTRICT
COLLIER COUNTY, FLORIDA



ADOPTED - XXXX, XXXX
(Ord. No. XXXX-X)



LEGEND

 PROPOSED SUBDISTRICT

words underlined are added; words struck-through are deleted.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

October 1, 2019

Ms. Teresa Cannon, BMR Senior Clerk II
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3299 Tamiami Trail, Suite #401
Naples, Florida 34112-5324

Dear Ms. Cannon:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 19-21, which was filed in this office on October 1, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb