



STAFF REPORT

TO: COLLIER COUNTY PLANNING COMMISSION
FROM: GROWTH MANAGEMENT DEPARTMENT, ZONING DIVISION
COMPREHENSIVE PLANNING SECTION
HEARING DATE: October 17, 2019
SUBJECT: *PETITION PL20170003337/ CPSS-2017-2, SMALL SCALE GROWTH
MANAGEMENT PLAN AMENDMENT [ADOPTION HEARING]
(Companion to PL20170002107, Longview Center PUDR)*
ELEMENT: FUTURE LAND USE ELEMENT (FLUE)

PETITIONER/OWNER/AGENTS

Petitioner/Owner: St. Katherine's Greek Orthodox Church, Inc.
7100 Airport Road North
Naples, Florida 34109

Agents: Robert J. Mulhere, FAICP
Hole Montes, Inc.
950 Encore Way
Naples, Florida 34110

Richard D. Yovanovich, Esq.
Coleman Yovanovich & Koester, PA
4001 Tamiami Trail North, Suite 300
Naples, Florida 34103

GEOGRAPHIC LOCATION

The subject property comprises approximately 4.52 acres and is located at the northeast corner of Orange Blossom Drive and Airport-Pulling Road, in Section 1, Township 49 South, Range 25 East.

REQUESTED ACTION

This petitioner seeks to amend the Orange Blossom Mixed Use Subdistrict in the Future Land Use Element (FLUE) and the Future Land Use Map (FLUM) Series of the Growth Management Plan (GMP), by amending:

- 1) FLUM inset map for Orange Blossom Mixed Use Subdistrict, and
- 2) the Urban – Mixed Use District to reflect amended Subdistrict provisions.

The Subdistrict language and map change proposed by this amendment is found in Ordinance Exhibit "A".

PURPOSE AND DESCRIPTION OF PROJECT

The purpose of this small-scale amendment is to allow new or additional institutional church-related uses in addition to the 10,000 square feet (sq. ft.) of retail uses and 15,000 sq. ft. of office uses on that 4.52-acre part of the Subdistrict lying north of Orange Blossom Drive. Up to a maximum of

30,000 sq. ft. of these church-related uses are allowed only if they are ancillary to the church located adjacently north, lying outside of the Subdistrict.

A companion petition [PL20180002107] will rezone this property to the Longview Center Mixed Use PUD to allow the previously-prohibited *churches or other places of worship* within the PUD and allow uses typically ancillary to a church, including educational classrooms and offices, a multi-purpose building for meeting rooms, recreation and kitchen facilities, and community gardens – all onto a “North Tract” [which is geographically positioned on the north side of Orange Blossom Drive, adjacently south of the existing (Petitioner’s) place of worship].

The companion petition also requests a rezone to the northernmost portion of their property (lying outside of the Subdistrict) presently zoned A, Rural Agricultural with a Conditional Use for the existing place of worship, to expand the size of the Longview Center Mixed Use PUD to include the existing place of worship portion of subject property as the “Church Tract”.

STAFF ANALYSIS

FUTURE LAND USE DESIGNATIONS, ZONING AND LAND USES:

Existing Conditions:

Subject Property: The subject property, which comprises approximately 4.52 acres, is currently designated Urban Mixed Use District, Orange Blossom Mixed Use Subdistrict (via Ord 2005-25), allows limited small-scale retail, office, and residential uses in a true mixed use development. This Subdistrict promotes small-scale mixed use development with a pedestrian orientation to serve homes in the immediate area, and is intended to be a prototype for future mixed use nodes, providing residents with pedestrian scale development while also reducing existing trip lengths for small-scale commercial services. It is zoned Longview Center Mixed Use PUD and undeveloped.

Surrounding Lands:

North: The Future Land Use Map designates land located north of the subject property, Urban Mixed Use District, Urban Residential Subdistrict. This area is zoned A, Rural Agricultural with a Conditional Use for the St. Katherine’s Greek Orthodox Church and the site is developed with this place of worship.

East: The Future Land Use Map designates land immediately east of the subject property as Urban Mixed Use District, Urban Residential Subdistrict. It is zoned Orange Blossom Gardens PUD, and developing with independent living units, assisted living units, skilled nursing units, and memory care units.

South: The Future Land Use Map designates land lying south, across Orange Blossom Drive, Urban Mixed Use District, Orange Blossom Mixed Use Subdistrict. This area is zoned [that portion of] Longview Center Mixed Use PUD [lying outside the area affected by this petition, but part of the companion petition] and is developed with a commercial nursery.

West: The Future Land Use Map designates land west of the subject property, across Airport-Pulling Road, as Urban Mixed Use District, Urban Residential Subdistrict. This area is zoned A, Rural Agricultural and is the site of North Collier Library, while land lying further west is the site of North Collier Regional Government Services Center.

The Future Land Use Map designates land lying southwest Urban Mixed Use District, Orange Blossom/Airport Crossroads Commercial Subdistrict. The northerly portion of the Subdistrict is zoned PUD for, and is the site of, the Naples Italian-American Club – while the southerly portion is zoned A, Rural Agricultural and is undeveloped.

In summary, the existing and planned land uses, and current zoning, in the area immediately surrounding the subject property are primarily residences or residential lots, and governmental and institutional uses.

Criteria for GMP Amendments in Florida Statutes

The data and analysis requirements for comprehensive plans and plan amendments are noted in Chapter 163, F.S., specifically as listed below.

Identification and Analysis of the Pertinent Criteria in Florida Statutes, Chapter 163.3187, to Qualify as a Small-Scale Comprehensive Plan (GMP) Amendment:

The process for adoption of small-scale comprehensive plan amendment requires (in part) the following statutory standards be met, *[followed by staff analysis in bracketed text]*.

- (1) A small scale development amendment may be adopted under the following conditions:
 - (a) The proposed amendment involves a use of 10 acres or fewer. *[The proposed amendment pertains to a ±4.52 -acre property.]*
 - (b) 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 shall be permissible under this section. *[This amendment is for a site-specific Future Land Use Map change and directly-related text changes.]*
 - (c) 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.]*
- (4) Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177. *[Internal consistency will be maintained between and among elements if the amendment is approved.]*

Section 163.3177(1)(f), Florida Statutes:

The process for adoption of a comprehensive plan amendment requires (in part) that plan amendments shall be based upon relevant and appropriate data and an analysis by the local government,

- (f) All mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon 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 comprehensive plan or 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.
 1. Surveys, studies, and data utilized in the preparation of the comprehensive plan may not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of

such studies, surveys, data, and supporting documents for proposed plans and plan amendments shall be made available for public inspection, and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction. Support data or summaries are not subject to the compliance review process, but the comprehensive plan must be clearly based on appropriate data. Support data or summaries may be used to aid in the determination of compliance and consistency.

2. Data must be taken from professionally accepted sources. The application of a methodology utilized in data collection or whether a particular methodology is professionally accepted may be evaluated. However, the evaluation may not include whether one accepted methodology is better than another. Original data collection by local governments is not required. However, local governments may use original data so long as methodologies are professionally accepted.
3. The comprehensive plan shall be based upon permanent and seasonal population estimates and projections, which shall either be those published by the Office of Economic and Demographic Research or generated by the local government based upon a professionally acceptable methodology. The plan must be based on at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission. Absent physical limitations on population growth, population projections for each municipality, and the unincorporated area within a county must, at a minimum, be reflective of each area's proportional share of the total county population and the total county population growth.

Section 163.3177(6)(a)2. Florida Statutes:

The process for adoption of a comprehensive plan amendment requires (in part) that plan amendments shall be based upon surveys, studies and data regarding the area,

2. The future land use plan and *plan amendments* shall be based upon 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 nonconforming 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 within antiquated subdivisions.

Section 163.3177(6)(a)8., Florida Statutes:

The process for adoption of a comprehensive plan map amendment [which this is] requires (in part) that plan amendments shall be based analyses of the availability of facilities and services, the suitability of the plan amendment for its proposed uses, and of the minimum amount of land needed to achieve the goals and requirements of the existing subdistricts, overlays and special designations, within which land use programs and activities are ultimately directed.

- (a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land. The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed.

8. Future land use map amendments shall be based upon the following analyses:

- 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.

It is incumbent upon the petitioner to provide appropriate and relevant data and analysis to address the statutory requirements for a Plan amendment, then present and defend, as necessary, that data and analysis.

BACKGROUND, CONSIDERATIONS AND ANALYSIS

This property is affected by the separate planning and zoning histories that leaves a 14.74-acre mixed-use Subdistrict on both the north and south sides of Orange Blossom Drive, and a constrained conditional use site for the adjacent church. This small-scale plan amendment and its companion PUD rezone will bring the church's ancillary uses under the same Subdistrict provisions, and ensure a mixed-use project on the south side of Orange Blossom Drive, as originally intended.

Appropriateness of the Site and the Change:

The Urban Mixed Use District allows community facilities, including churches. This one-lot site is appropriate for the change, as a number of church-related uses are already allowed on the adjacent church site, the amendment allows for church-related uses that will be integral to the existing church on the adjacent church site, the amendment still *allows* commercial uses without *requiring* them, and the Subdistrict does not lose its mixed-use characteristics.

Traffic Capacity/Traffic Circulation Impact Analysis, Including Transportation Element Consistency Determination:

Trebilcock Consulting Solutions, P.A. submitted a *Traffic Impact Statement* (Exhibit E-3), dated February 23, 2018. Collier County Transportation Planning staff reviewed the *Statement* and provide the following [bracketed] evaluation:

[According to the TIS provided with the proposed rezoning the applicant is requesting a maximum of 420 seat church, a 100-student daycare, a 23,400 square foot various church uses.

The proposed development will generate a projected total of +/- 97 PM peak hour, 2-way trips for the proposed facility on the adjacent local roadways, Orange Blossom Drive and Airport Pulling Road. This represents a net reduction of +/-2 PM peak hour, 2-way trips compared to the previously approved development-uses. Therefore, the subject petition can be found consistent with Policy 5.1 of the Transportation Element of the Growth Management Plan, the Traffic Impact Statement (TIS) indicates that the adjacent roadway network has sufficient capacity to accommodate this project within the 5-year planning period.]

*[Michael Sawyer, Project Manager
Transportation Planning Section]*

Environmental Impacts:

The subject property is ±4.52 acres and undeveloped. A majority of the property has been disturbed, and periodically mowed and used for parking during major church events. No environmental issues were reported by Environmental Services staff review. [No preserve is required.]

[Development Review Division]

Public Facilities Impacts:

The petitioner submitted a *Public Facilities Impact Report*, dated to April 4,2018 (Exhibit E-1). Staff reviewed the *Report* and provide the following [bracketed] remarks:

- Potable Water and Wastewater Treatment Systems: The average daily water demand and wastewater flow for the commercial project is estimated at 4,500 gallons per day (gpd); while 7.56 GPM is the estimated peak daily water demand and wastewater flow. [Per CIE Policy 1.5, the potable water and wastewater treatment system LOS standards are based on population. Church accessory uses would not directly facilitate population growth and would therefore have no impact on potable water facility or wastewater treatment system capacities. As such, the Public Utilities Department has no objection to this petition.

The project lies within the regional potable water service area and the north wastewater service areas of the Collier County Water-Sewer District. Water and wastewater services are readily available via existing infrastructure at the intersection of Airport Road and Orange Blossom Drive and at the existing driveway connection to the Church Tract. System capacity must be confirmed at the time of development permit (SDP or PPL) review, and a commitment to provide service will be established upon permit approval]

*[Eric Fey, P.E., Senior Project Manager
Public Utilities Department]*

- Solid Waste Collection & Disposal: The solid waste disposal service provider is Collier County Solid Waste Management. The 2017 AUIR notes that the County projects more than 50 years of remaining landfill capacity [as does the 2018 AUIR].
- Stormwater Management System: Development will comply with SFWMD requirements, and State and County standards for off-site discharges will met.
- Park and Recreational Facilities: Development of ancillary church uses will not affect park facilities.
- Schools: Development of ancillary church uses will not affect school capacity.
- Emergency Medical (EMS) and Fire Rescue Services: The subject property is located within the North Collier Fire & Rescue service area. [Fire Station 40 and Station 46 are collocated with EMS Medic 40 and Medic 46 services provided by Collier County – both located approximately two miles from this site. No adverse impacts to these services result from the proposed development.]

NEIGHBORHOOD INFORMATION MEETING (NIM) SYNOPSIS

The application team held a Neighborhood Information Meeting (NIM) in the Sugden Theater of the Collier County Public Library Headquarters, located at 2385 Orange Blossom Drive, Naples on March 14, 2019, at 5:30 p.m. as required by the LDC. This NIM was advertised, noticed and held jointly for this GMP amendment petition and companion PUD rezone petition.

Approximately ten people other than the application team including Bob Mulhere (agent representing the petitioner) and Rich Yovanovich (attorney representing the petitioner), and County staff attended – and heard the following information:

Bob Mulhere provided a description of the proposed changes to the group, including how the two companion requests (GMPA/PUDZ) cover the community facility uses, including church offices, day care for 100 children, chapel, classroom and café. The facilities would be limited to a 30,000 sq. ft. building.

Mr. Mulhere distributed copies of overviews of the Longview Center PUD, showing locations of the “church tract” and “north tract” at the northeast corner of Airport-Pulling Road and Orange Blossom Drive – where the current project is proposed [*also showing location of the “south tract” at the southeast corner of Airport-Pulling Road and Orange Blossom Drive – where the current project does not affect existing “Longview” property*]. Also shown were road connections and adjoining property interconnections. The “church tract” and “north tract” were also shown in more detail, including the access points onto Airport-Pulling Road and Orange Blossom Drive.

Mr. Mulhere explained how the proposed changes do not generate more traffic than the amount already generated by the uses currently allowed.

Attendees asked about the proposed access onto Orange Blossom, impacts upon this intersection, and road projects in this area. The project engineer explained how County-scheduled Orange Blossom Drive expansion projects are not triggered by the proposed project. No improvements are expected before this project is completed.

Concerns about parking and handling special events. While arrangements are still being worked out, the Sienna Lakes PUD (east of the subject site) allows overflow parking on their property during major events, i.e. Greek Festival.

No one present expressed opposition, except those who found the absence of improvements to Orange Blossom Drive east of this location, and the Sienna Lakes’ projects. Mulhere pointed out how they too support advancing Orange Blossom improvements.

The Information Meeting was ended at approximately 6:00 p.m.

This synopsis provides the annotated NIM proceedings. An audio recording of the entire Neighborhood Information Meeting is available on the County’s “I” drive, at [I:/GMD/Comprehensive Planning/NIM Recordings & PREAPP Notes](#).

[Synopsis prepared by S. Faulkner and C. Schmidt, AICP, Principal Planners]

FINDINGS AND CONCLUSIONS

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

- The property is presently zoned Longview Center PUD and undeveloped.
- The subject property is undeveloped, and periodically mowed and used for parking during major church events.

- Church accessory uses would not directly facilitate population growth and would therefore have no impact on potable water facility or wastewater treatment system capacities.
- The proposed development is generally compatible with existing and allowed development on surrounding properties.
- This one-lot site is appropriate for the change, as a number of church-related uses are already allowed on the adjacent church site, the amendment allows for church-related uses that will be integral to the existing church on the adjacent church site, the amendment still *allows* commercial uses without *requiring* them, and the Subdistrict does not lose its mixed-use characteristics.
- A companion rezone petition has been submitted concurrent with this GMPA petition that will bring the church's ancillary uses under the same Subdistrict provisions, and ensure a mixed-use project on the south side of Orange Blossom Drive, as originally intended.

LEGAL CONSIDERATIONS


The Office of the County Attorney reviewed this report September 27, 2019. In addition to pertinent small-scale (GMP) amendment criteria in Florida Statutes, Section 163.3187 addressed above, the criteria for GMP amendments to the Future Land Use Element and map series are in Sections 163.3177(1)(f) and 163.3177(6)(a)2 and 163.3177(6)(a)8, Florida Statutes. *[HFAC]*

STAFF RECOMMENDATION

Staff recommends that the Collier County Planning Commission forward Petition PL20170003337/CPSS-2017-2 to the Board of County Commissioners with a recommendation to approve for adoption and transmittal to the Florida Department of Economic Opportunity.

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PREPARED BY:


CORBY SCHMIDT, AICP, PRINCIPAL PLANNER
COMPREHENSIVE PLANNING SECTION, ZONING DIVISION

DATE: 20 Sept 19

REVIEWED BY:


DAVID WEEKS, AICP, GROWTH MANAGEMENT MANAGER
COMPREHENSIVE PLANNING SECTION, ZONING DIVISION

DATE: 9-24-19

APPROVED BY:


JAMES FRENCH, DEPUTY DEPARTMENT HEAD
GROWTH MANAGEMENT DEPARTMENT

DATE: 9-26-19

PETITION No.: CPSS-2017-2 / PL20170003337
Staff Report for the October 17, 2019, CCPC meeting.

NOTE: This petition has been scheduled for the November 12, 2019, BCC meeting.

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