

EXECUTIVE SUMMARY

Public Hearing for the 2004 Cycle of Growth Management Plan Amendments. (*Adoption Hearing*)

OBJECTIVE:

For the Board of County Commissioners to review the 2004 cycle of amendments to the Collier County Growth Management Plan and approve said amendments for Adoption transmittal to the Florida Department of Community Affairs.

CONSIDERATIONS:

- Chapter 163, F.S., provides for an amendment process for a local government's adopted Growth Management Plan.
- Resolution 97-431, as amended, provides for a public petition process to amend the Collier County GMP.
- The 2004 cycle of amendments consists of five private sector petitions and one County-initiated petition, though the County is enjoined with the private-sector petition pertaining to TDR bonuses (CP-2004-4).
- The Collier County Planning Commission (CCPC), sitting as the "local planning agency" under Chapter 163.3174, F.S., held their Transmittal hearing on January 6, 2005. The Board of County Commissioners held their Transmittal hearing on January 25, 2005. The Transmittal hearing recommendations of both the CCPC and BCC are contained in the CCPC adoption hearing Staff Report.
- The Objections, Recommendations and Comments (ORC) Report from the Florida Department of Community Affairs (DCA), dated April 8, 2005, contained Comments regarding two petitions: CP-2004-2, the proposed re-designation of Neutral Lands to Receiving Lands and Sending Lands, and petition CP-2004-4, the proposed addition of TDR bonuses; there were no objections or recommendations. The ORC Report is contained in the back-up materials. The South Florida Water Management District (SFWMD) offered comments pertaining to adequacy of potable water supply.
- Staff's response to the ORC Report is contained in the CCPC Adoption Staff Report. Additionally, regarding the SFWMD comments, Comprehensive Planning staff provided additional water supply information to DCA staff in response to their inquiry; accordingly, DCA did *not* identify water supply issues in the ORC Report.
- The CCPC held their Adoption hearing on May 19, 2005.
- Five of the six petitions have been modified since Transmittal hearings, as noted herein.
- This Adoption hearing considers amendments to the following Elements of the Plan:
 - ◇ Future Land Use Element (FLUE) and Future Land Use Map and Map Series
 - ◇ Golden Gate Area Master Plan (GGAMP) text and Future Land Use Map Series
 - ◇ Capital Improvement Element (CIE)
 - ◇ Potable Water and Sanitary Sewer Sub-Elements of the Public Facilities Element

Note: All support materials are not included. Staff requested each petitioner only submit select portions of their petition package, as identified by staff, in an effort to reduce the volume of documents provided to the CCPC and BCC at the Adoption hearings.

FISCAL IMPACT:

There are fiscal impacts to Collier County as a result of one of these amendments to the Growth Management Plan. Specifically, petition CP-2004-4 will require the establishment of implementing provisions in the Collier County Land Development Code (LDC). These LDC amendments are in progress as part of the 2005 cycle 1, and were prepared by consultants under existing contract.

GROWTH MANAGEMENT IMPACT:

This is an Adoption public hearing for the 2004 cycle of amendments to the Collier County Growth Management Plan. The Florida Department of Community Affairs (DCA) will have 45 days to review the adopted Plan amendments for compliance with Chapter 163, F.S. and Rule 9J-5 F.A.C., and to file a “Notice of Intent” to find the amendments “in compliance” or not “in compliance.” If determined to be “in compliance”, and timely challenge to that determination is not filed by an affected party within 21 days, then the amendments will become effective.

ENVIRONMENTAL ISSUES:

Listed plant or animal species may have been observed or known to be on one or more of the sites encompassed by these amendments, and one or more of the sites are known to contain jurisdictional wetlands. No particular issues have been identified relative to groundwater resources or soils. During review of subsequent development orders, the sites will be subject to all applicable local, state and federal environmental protection regulations.

HISTORICAL/ARCHAEOLOGICAL IMPACT:

One of these amendments to the Growth Management Plan (CP-2004-2) contains lands identified as having historical or archaeological importance. During review of subsequent development orders, the sites will be subject to all applicable local, state and federal historical and archaeological protection regulations.

COMPREHENSIVE PLANNING STAFF RECOMMENDATION:

The Staff recommendation follows each individual petition listed below.

LEGAL CONSIDERATIONS:

If adopted by the Board of County Commissioners, the amendments would then be forwarded to the Department of Community Affairs and appropriate State Agencies for final review and determination of compliance with Florida Statutes. If found to be “in compliance” with Florida Statutes, and not challenged within the allotted 21 day timeframe, the amendments would then become effective and made part of the Collier County Growth Management Plan.

ENVIRONMENTAL ADVISORY COMMITTEE (EAC) RECOMMENDATION:

Growth Management Plan amendments such as these are not reviewed by the EAC, except for petition CP-2004-4. The EAC held their hearing on this petition December 1, 2004, and unanimously (6-0) recommended approval.

A second motion was made to request that: 1) the uses allowed in the Sending Lands be reviewed for consistency with the intent of the RFMUD to protect natural resources; and, 2) an authority to manage funds for land management be established. This motion also passed unanimously.

COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION:

The Collier County Planning Commission held their required public hearing on May 19, 2005. The CCPC recommendation follows each individual petition listed below.

1. PETITION CP-2004-1, Petition requesting an amendment to the *Future Land Use Element* to modify the Urban Residential Fringe Subdistrict to allow the Affordable Housing Density Bonus on 196 of the 235 acres in the San Marino PUD, located on the east side of Collier Boulevard, 1.25 miles south of Davis Blvd., in Section 11, Township 50 South, Range 26 East, Royal Fakapalm Planning Community. [Coordinator: Jean Jourdan].

Staff Recommendation: That the CCPC forward petition CP-2004-1 to the BCC with a recommendation to adopt as transmitted, subject to a minor text change (for consistency), and to transmit to DCA. Staff's revisions are contained in the CCPC Adoption Staff Report, and are reflected in the Adoption Ordinance Exhibit "A".

CCPC Recommendation: That the CCPC forward petition CP-2003-1 to the BCC with a recommendation *not* to Adopt and *not* to Transmit to the Florida Department of Community Affairs (vote: 5/3).

There were a total of four speakers. Three were opposed, primarily citing traffic concerns, though one also mentioned desire not to have a Habitat For Humanity neighborhood nearby. A petition in opposition containing 29 signatures was submitted into the record. One speaker offered comments not in favor or opposed to this petition.

2. PETITION CP-2004-2, Petition requesting an amendment to the *countywide Future Land Use Map* to change 79 acres from the Rural Fringe Mixed Use District (RFMUD) Neutral Lands to the RFMUD Sending Lands and to change 153 acres from the RFMUD Neutral Lands to the RFMUD Receiving Lands, for property located one mile south of Immokalee Road and 2.75 miles east of Collier Boulevard, in Sections 31 and 32, Township 48 South, Range 27 East, Rural Estates Planning Community. [Coordinator: Michele Mosca].

Staff Recommendation: That the CCPC forward petition CP-2004-2 to the BCC with a recommendation *not* to adopt, and *not* to transmit to the Florida Department of Community Affairs.

CCPC Recommendation: That the BCC adopt petition CP-2004-2 as transmitted, and transmit to the Florida Department of Community Affairs (vote: 5/3).

There were two speakers in favor, indicating the proposed Sending Lands would not be isolated since there are preserve areas existing or anticipated on adjacent properties (including sites owned by Collier County and the School Board), and a wildlife corridor will connect to conservation areas north of Immokalee Road; and, the proposed Rural Village on the Receiving Lands will use TDR credits.

3. PETITION CP-2004-3, Petition requesting an amendment to the *Future Land Use Element and Future Land Use Map* to create a new “Vanderbilt Beach Road Neighborhood Commercial Subdistrict” to allow for C-1 through C-3 commercial uses, other comparable and/or compatible commercial uses not found specifically in the C-1 through C-3 zoning districts, mixed use development, and indoor self-storage, on two parcels, one located at the northeast corner of Vanderbilt Beach Road and Livingston Road (9.18 acres), and one parcel farther east on the north side of Vanderbilt Beach Road (8 acres, zoned Vanderbilt Trust PUD), in Section 31, Township 48 South, Range 26 East, Urban Estates Planning Community. [Coordinator: John David Moss].

Subsequent to the transmittal hearings, the petitioner held a voluntary Neighborhood Information Meeting, and met with nearby neighborhoods. As a result of expressed concerns, the petitioner proposed changes prior to the CCPC hearing, and proposed further changes at the CCPC hearing. Staff modified the initial changes and the petitioner was in agreement. All changes proposed by the petitioner were more restrictive – eliminating uses, and adding buffer and design requirements.

Staff Recommendation: That the CCPC forward petition CP-2004-3 to the BCC with a recommendation to adopt as the transmitted version was modified by the petitioner and further modified by staff (for clarity), and transmit to the Florida Department of Community Affairs. All proposed additions since transmittal are shown in single underline and deletions are shown in ~~single strike through~~, except that all modifications to the petitioner’s proposed changes are shown in double underline and ~~double strike through~~ format.

Vanderbilt Beach Road Neighborhood Commercial Subdistrict

The purpose of this Subdistrict is to provide primarily for neighborhood commercial and indoor self-storage development at a scale not typically found in the Mixed Use Activity Center Subdistrict. The intent is to provide commercial uses to serve the emerging residential development in close proximity to this Subdistrict, and to provide employment opportunities for residents in the surrounding area. Allowable uses shall be a variety of commercial uses as more particularly described below, and mixed use (commercial and residential). Prohibited uses shall be gas stations and convenience stores with gas pumps, and certain fast food restaurants. ~~retail, personal service, restaurant, office, and all other uses as allowed, whether by right or by conditional use, in the C-1 through C-3 zoning districts as set forth in the Collier County Land Development Code, Ordinance 04-41, as amended, in effect as of the date of adoption of this Subdistrict [should this Subdistrict be adopted, the correct date and ordinance number will be inserted]; other comparable and/or compatible land uses not found~~

~~specifically in the C-1 through C-3 zoning districts, limited to: general and medical offices, government offices, financial institutions, personal and business services, limited indoor recreational uses, and limited retail uses; mixed-use development (residential and commercial uses in the same building). Additionally, indoor self-storage use may be allowed, but only on one of the two parcels in this Subdistrict. Gas stations and the following fast food restaurants: McDonalds, Wendys, Checkers, Taco Bell and Burger King shall be prohibited in this subdistrict.~~

This Subdistrict consists of two parcels comprising approximately 17 acres, located on the north side of Vanderbilt Beach Road and east of Livingston Road, as shown on the Subdistrict Map. For mixed-use development, residential density shall be limited to sixteen dwelling units per acre. Residential density shall be calculated based upon the gross acreage of the Subdistrict parcel on which it is located (Parcel 1 or Parcel 2). Rezoning of the parcels comprising this Subdistrict is encouraged to be in the form of a PUD, Planned Unit Development. At the time of rezoning, the applicant must include architectural and landscape standards for each parcel.

a. Parcel 1

This parcel is located at the intersection of Livingston Road and Vanderbilt Beach Road. A maximum of 100,000 square feet of gross leasable floor area for commercial uses ~~or 200,000 square feet of gross floor area for indoor self-storage use~~ may be allowed. ~~Should a mix of commercial uses and indoor self-storage facilities develop, for each two square feet of indoor self-storage area, one square foot of commercial uses area shall be reduced from the maximum allowed. If the rezoning of Parcel 2 includes indoor self-storage use, then that use shall not be allowed on Parcel 1 shall permit the full range of land uses described above.~~ Allowable uses shall be the following, except as prohibited above: retail, personal service, restaurant, office, and all other uses as allowed, whether by right or by conditional use, in the C-1 through C-3 zoning districts as set forth in the Collier County Land Development Code, Ordinance 04-41, as amended, in effect as of the date of adoption of this Subdistrict [should this Subdistrict be adopted, the correct date and ordinance number will be inserted]; other comparable and/or compatible land uses not found specifically in the C-1 through C-3 zoning districts, limited to: general and medical offices, government offices, financial institutions, personal and business services, limited indoor recreational uses, and limited retail uses; mixed-use development (residential and commercial uses).

b. Parcel 2

This parcel is located approximately ¼ mile east of Livingston Road and is adjacent to multifamily residential uses. A maximum of 80,000 square feet of gross leasable floor area for commercial uses ~~or 160,000 square feet of gross floor area for indoor self-storage use~~ may be allowed. ~~Should a mix of commercial uses and indoor self-storage facilities develop, for each two square feet of indoor self-storage area, one square foot of commercial uses area shall be reduced from the maximum allowed. If the rezoning of Parcel 1 includes indoor self-storage use, then that use shall not be allowed on Parcel 2.~~ Allowable uses shall be the

following, except as prohibited above: General and medical offices, community facilities, and business and personal services, all as allowed, whether by right or by conditional use, in the C-1 through C-3 zoning districts as set forth in the Collier County Land Development Code, Ordinance 04-41, as amended, in effect as of the date of adoption of this Subdistrict [should this Subdistrict be adopted, the correct date and ordinance number will be inserted] ~~may be permitted. All other uses referenced in this subdistrict shall be prohibited.~~

At the time of rezoning of Parcel 2, the developer shall provide restrictions and standards to insure that uses and hours of operation are compatible with surrounding land uses. Permitted uses such as assisted living facilities, independent living facilities for persons over the age of 55, continuing care retirement communities, and nursing homes, shall be restricted to a maximum of 200 units and a maximum floor area ratio (FAR) of 0.6. The developer of Parcel 2 shall provide a landscape buffer along the eastern property line, adjacent to the Wilshire Lakes PUD, at a minimum width of thirty (30) feet. At the time of rezoning, the developer shall incorporate a detailed landscape plan for that portion of the property fronting Vanderbilt Beach Road as well as that portion along the eastern property line, adjacent to the Wilshire Lakes PUD.

In cooperation with Collier County and the adjacent property owner to the east, the developer shall allow the installation of a noise attenuation wall, to extend north from Vanderbilt Beach Road on the common property line, if the Collier County Transportation Division determines such a wall is the appropriate noise reduction approach for six-lane improvements to Vanderbilt Beach Road.

CCPC Recommendation: That the BCC adopt petition CP-2004-3, as recommended by staff and subject to a minor text change shown below in single underline, and transmit to the DCA (vote: 8/0). The text change is to distinguish between categories of fast food restaurants as opposed to franchise names. The CCPC's recommendation is reflected in the Adoption Ordinance Exhibit "A".

Vanderbilt Beach Road Neighborhood Commercial Subdistrict

The purpose of this Subdistrict is to provide primarily for neighborhood commercial and indoor self-storage development at a scale not typically found in the Mixed Use Activity Center Subdistrict. The intent is to provide commercial uses to serve the emerging residential development in close proximity to this Subdistrict, and to provide employment opportunities for residents in the surrounding area. Allowable uses shall be a variety of commercial uses as more particularly described below, and mixed use (commercial and residential). Prohibited uses shall be gas stations and convenience stores with gas pumps, and certain types of fast food restaurants.

There were no public speakers.

4. PETITION CP-2004-4, Petition requesting an amendment to the *Future Land Use Element* to change the Rural Fringe Mixed Use District Sending Lands to add three Transfer of Development Rights (TDRs) bonus provisions, each for one TDR credit, for: 1) early entry

into the TDR program, 2) environmental restoration and maintenance, and 3) fee simple conveyance to a government agency, by gift; and, to amend Rural Village development standards. [Coordinator: Michele Mosca].

At the transmittal hearing, the Board directed staff to hold a workshop on this petition after the ORC Report is received, but prior to adoption hearings, at either the government center or Max Hasse Community Park; and, to send a letter advising of the workshop, in English and Spanish, to all owners of Sending Lands. Further, the Board announced that there would be no more TDR bonus changes for a minimum period of three (3) years.

The Board-directed workshop was held at the Golden Gate High School on the evening of April 19, 2005. Letters were mailed to Rural Fringe property owners prior to that workshop (bilingual – English/Spanish).

Staff Recommendation: That the CCPC forward petition CP-2004-4 to the BCC with a recommendation to adopt as transmitted, with a minor text change shown below in double underline/~~double strike through~~ format, and transmit to DCA. This change is to clarify that the bonus for developing a Rural Village is a bonus dwelling unit, not an actual TDR Credit. Staff's revisions are reflected in the Adoption Ordinance Exhibit "A".

3. Rural Villages:

C) Rural Villages Sizes and Density:

3. Density shall be achieved as follows:

- b) The additional density necessary to achieve the minimum required density for a Rural Village shall be achieved by ~~an equal amount~~ any combination of TDR Credits and TDR bonus units credits. ~~That is~~ For each TDR Credit acquired for use in achieving the minimum density in a Rural Village, one ~~TDR~~ Rural Village Bonus bonus unit unit credit shall be granted.

CCPC Recommendation: There is no official recommendation from the CCPC. A motion to recommend adoption failed by vote of 4/4, as did a motion to recommend not to adopt.

There were no public speakers.

5. PETITION CP-2004-5, Petition requesting an amendment to the *Future Land Use Element and Future Land Use Map* to create a new "Davis Boulevard/County Barn Road Mixed Use Neighborhood Subdistrict" to allow mixed residential and commercial development similar to the Residential Mixed Use Neighborhood Subdistrict, for 22.8 acres located at the southeast corner of Davis Boulevard and County Barn Road, in Section 8, Township 50 South, Range 26 East, South Naples Planning Community. [Coordinator: David Weeks].

Staff Recommendation: That the CCPC forward petition CP-2004-5 to the BCC with a recommendation to adopt as transmitted, with one modification to accurately reflect the BCC's transmittal action, and transmit to DCA. Staff's revision is contained in the CCPC Adoption Staff Report.

CCPC Recommendation: That the BCC adopt petition CP-2004-5 as recommended by staff, subject to deleting language pertaining to interconnections with surrounding properties, as shown below in ~~single strike through~~, and transmit to the Florida Department of Community Affairs (vote: 8/0). The text change was because Seacrest School is located on all abutting lands, except for a developed church parcel. (The petitioner hopes to have a joint access point with the church on County Barn Road.) The CCPC's recommendation is reflected in the Adoption Ordinance Exhibit "A".

Davis Boulevard/County Barn Road Mixed-Use Subdistrict

c. General Criteria

7. Development within the Subdistrict shall be encouraged to use a grid street system, or portion thereof, so as to ~~afford maximum opportunity for interconnections with surrounding properties and to~~ provide multiple route alternatives.
- ~~9. Vehicular, pedestrian and bicycle interconnections shall be provided between the Subdistrict and surrounding properties, where feasible. If vehicular interconnection with an adjacent property is precluded by the existence of wetlands or other environmentally sensitive habitats, then a pedestrian and/or bicycle interconnection(s) shall be provided.~~

There were no public speakers.

6. PETITION CPSP-2004-7, Petition requesting amendments to the *Future Land Use Element and Future Land Use Map and Map Series, Golden Gate Area Master Plan Element text and Future Land Use Map, Capital Improvement Element, and the Potable Water and Sanitary Sewer Sub-Elements of the Public Facilities Element*, to include:
 1. Potable Water and Sanitary Sewer Sub-Elements:
 - a. Delete the figure depicting the Mirasol PUD service area, and all references to it in the appropriate policies.
 2. Capital Improvement Element:
 - a. Correct and modify applicable policy references to figures depicting the water and sewer service areas.
 3. Golden Gate Area Master Plan:
 - a. Modify the applicable maps depicting the Santa Barbara Commercial and Golden Gate Parkway Professional Office Commercial Subdistricts;
 - b. Make minor corrections and "clean-up" changes to the Golden Gate Parkway Professional Office Commercial Subdistrict;
 - c. Lessen the wetland preserve area in the Pine Ridge Road Mixed Use Subdistrict by ± 0.09 acres, and increase total Subdistrict acreage from 15.74 to 16.2 acres; and,
 - d. Add the legal description of all properties within the Randall Boulevard Commercial Subdistrict.
 4. Future Land Use Element:
 - a. Modify Policies 1.1B. and 1.5 to add omitted references;
 - b. Change a map reference in the Vanderbilt Beach/Collier Boulevard Commercial Subdistrict; and,
 - c. In the Conservation Designation, clarify the allowable density for pre-existing private in-holdings in the Big Cypress National Preserve.
 5. Future Land Use Map:

- a. Change the designation from Urban Residential to Conservation for a 99.3-acre County-owned mitigation site located on the west side of Collier Boulevard and adjacent to the north of Naples Lakes Country Club PUD;
 - b. Change the designation from Urban Industrial to Conservation for a 77.3-acre Conservation Collier site located east of the Seaboard Coastline Railroad right-of-way and adjacent to the north of the future Livingston Road East-West;
 - c. Change the designation from Industrial to Urban for the Immokalee airport area as the area is more particularly designated in the Immokalee Area Master Plan;
 - d. Add the name of the South Golden Gate Estates Natural Resource Protection Area (NRPA) Overlay and add the name and pattern to the Clam Bay NRPA;
 - e. Correct the location of Wiggins Pass Road and the US-41/CR-887 (old US-41) intersection;
 - f. Change the reference note pertaining to addition of certain features in the Rural Lands Stewardship Area Overlay; and,
 - g. In the map legend, spell out the NRPA abbreviation.
6. Future Land Use Map Series:
- a. On the Activity Center Index Map, correct the configuration of various activity centers;
 - b. Delete Activity Center #19 Map – it is a repeat of Activity Center #20;
 - c. On the Vanderbilt Beach/Collier Boulevard Commercial Subdistrict Map, add the expansion area and distinguish between the original and expanded areas;
 - d. Create a new map to depict the existing Orange Blossom Mixed Use Subdistrict; and,
 - e. Establish two new maps, depicting two County-owned sites, to correlate with the changes to the countywide FLUM to designate these sites as Conservation.

Staff Recommendation: That the CCPC forward petition CPSP-2004-7 to the BCC with a recommendation to adopt as transmitted, subject to a map name change, and to transmit to DCA. Staff's revision is contained in the CCPC Adoption Staff Report, and is reflected in the Adoption Ordinance Exhibit "A".

CCPC Recommendation: That the BCC adopt petition CPSP-2004-7, as recommended by staff, and transmit to DCA (vote: 8/0).

There were no public speakers.

STAFF RECOMMENDATION – Entire 2004 Cycle of GMP Amendments:

Petition CP-2004-1: adopt, as modified by staff, and transmit to DCA

Petition CP-2004-2: *not* adopt

Petition CP-2004-3: adopt, as modified by staff and CCPC, and transmit to DCA

Petition CP-2004-4: adopt, as modified by staff, and transmit to DCA

Petition CP-2004-5: adopt, as modified by staff and CCPC, and transmit to DCA

Petition CPSP-2004-7: adopt, as modified by staff, and transmit to DCA

CCPC RECOMMENDATION – Entire 2004 Cycle of GMP Amendments:

Petition CP-2004-1: *not* adopt

Petition CP-2004-2: adopt, and transmit to DCA

Petition CP-2004-3: adopt, as modified by staff and CCPC, and transmit to DCA

Petition CP-2004-4: adopt, as modified by staff, and transmit to DCA

Petition CP-2004-5: adopt, as modified by staff and CCPC, and transmit to DCA
Petition CPSP-2004-7: adopt, as modified by staff, and transmit to DCA

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