EXECUTIVE SUMMARY

Recommendation to approve the East Tamiami Trail Commercial Infill Subdistrict small-scale amendment to the Collier County Growth Management Plan, Ordinance 89-05, as Amended, and to transmit to the Florida Department of Economic Opportunity. (Adoption Hearing) (PL.20160002771/CPSS-2016-2) [Companion to Rezone Petition PL.2016000226].

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

This petition seeks to amend the Future Land Use Element (FLUE) and Future Land Use Map (FLUM) of the GMP to establish the East Tamiami Trail Commercial Infill Subdistrict to allow the permitted and conditional uses of the C-3, Commercial Intermediate, zoning district and air conditioned and enclosed self-storage facility, limited to a maximum floor area of 60,000 square feet, on ±5.8 acres located on the south side of Tamiami Trail East (US 41), approximately one-half mile southeast of Manatee Road, within Section 12, Township 51 South, Range 26 East. The Subdistrict text and maps proposed by this amendment are depicted on Ordinance Exhibit A.

Per Chapter 163.3187, Florida Statutes, limitations are in place 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 proposed amendment pertains to a ±5.8-acre property.]

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. [A total of seven small-scale development amendment petitions are pending, including the subject petition, comprising a total of ±35.61 acres; only one petition, involving 5.35 acres, is scheduled to be heard prior to this proposed amendment. No small-scale amendments have been adopted in 2018.]

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 changes.]

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.]
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 property is presently zoned A, Rural Agricultural, and is undeveloped.
- There are no known historic or archaeological sites on the subject property, and environmental impacts from the proposed development do not pose concerns.
- The infrastructure needed to serve the proposed development can be provided without related levels of service concerns.
- This amendment introduces new commercial development, uses, and activities to a location where commercial development is not now planned. Though the subject property is not located within or adjacent to an Activity Center, it is located near other commercially-zoned land.
- The proposed development is generally compatible with existing and allowed development on surrounding properties.
- Based on data and analysis submitted for existing and potential commercial development within the study area for the subject property, the need for the commercial development contemplated by this amendment has been demonstrated.
- A companion rezone petition has been submitted concurrent with this GMP amendment petition.

FISCAL IMPACT: Petition fees account for staff review time and materials, and for the cost of associated legal advertising/public notice for the public hearings. Therefore, no fiscal impacts to Collier County result from the adoption of this amendment.

GROWTH MANAGEMENT IMPACT: Adoption of the proposed amendment by the Board and its transmittal to the Florida Department of Economic Opportunity will commence the Department’s thirty-(30)-day challenge period for any affected person. Provided the small-scale development amendment is not challenged, it becomes effective thirty-one (31) days after Board adoption.

LEGAL CONSIDERATIONS: This 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” per 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 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.

Furthermore, s. 125.3177(6)(a)8, F.S. provides that [FLUE] map amendments shall be based upon the following analysis of:

a. the availability of facilities and services.

b. 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. the minimum amount of land needed to achieve the goals and requirements of this section.

This item is approved as to form and legality. An affirmative vote of four is required for approval because this is an Adoption hearing of the GMP amendment. [HFAC]

**STAFF RECOMMENDATION TO THE COLLIER COUNTY PLANNING COMMISSION:** That the Collier County Planning Commission forward petition PL20160002771/CPSS-2016-2 to the Board of County Commissioners with a recommendation to adopt and transmit this small-scale GMP amendment to the Florida Department of Economic Opportunity.

**COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION:** The CCPC heard this petition at their May 3, 2018 meeting. Three speakers made presentations to the CCPC – two in favor of the petition; the other, in objection to the petition – generally addressing commercial uses at this location.

The CCPC discussed group housing for seniors, specifically to address the applicant’s request to revise Subdistrict provisions to except this use from the maximum square floor area limitation. As an alternative, the applicant requested that group housing uses be allowed subject to the density/intensity limitations of Floor Area Ratios (FAR), greater than the maximum FAR established by the LDC. Planning Commissioners considered the effects of allowing group housing uses with 0.45 FAR (per the LDC); 0.50 FAR (per recent Board action); and 0.60 FAR (per applicant’s request). Commissioners also considered the alternatives of granting a greater maximum FAR via additional permissions in Subdistrict provisions, or via Deviation from the specific LDC Sections listed in the companion PUD document.

The CCPC voted [5/0] to forward petition PL20160002771/CPSS-2016-2 to the Board with a recommendation to approve for adoption and transmittal to the Florida Department of Economic Opportunity, subject to text revisions that provide for Group Housing uses not to be subject to the 60,000 square feet floor area limitation and instead be subject to an FAR to be established in the companion rezone to Planned Unit Development.

**STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS:** To adopt and transmit petition PL20160002771/CPSS-2016-2 to the Florida Department of Economic Opportunity, as recommended by the CCPC.

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