EXECUTIVE SUMMARY

Recommendation to approve by Ordinance petition PL20160002584/CPSS-2017-1, a Growth Management Plan Small Scale Amendment specific to the Conditional Uses Subdistrict of the Golden Gate Area Master Plan, to allow church uses for the Grace Romanian Baptist Church. (Adoption Hearing) [This is a Companion to Agenda Item 7820]

OBJECTIVE: For the Board of County Commissioners (BCC) to approve (adopt) the proposed small-scale Growth Management Plan (GMP) amendment and approve the amendment for transmittal to the Florida Department of Economic Opportunity.

CONSIDERATIONS: The subject petition is submitted as a small-scale comprehensive plan amendment (a/k/a GMP amendment – GMPA). As such, per Florida Statutes, the request is heard once only by the Collier County Planning Commission and the BCC. If approved by the BCC, the petition is transmitted to the Florida Department of Economic Opportunity (DEO).

The GMP amendment requested is for approximately 6.25 acres located at the southeast corner of the intersection of Golden Gate and Collier Boulevards, in Section 11, Township 49 South, Range 26 East. (Urban Estates Planning Community). This petition seeks to amend the GMP, adopted by Ordinance No. 89-05, as amended, specifically amending the Golden Gate Area Master Plan and Golden Gate Area Future Land Use Map (FLUM) Series by:

Adding text to establish a new area in the Conditional Uses Subdistrict, within the Estates Designation, Mixed-Use District, to add the subject site as an exception for a church or place of worship. And, creating a new location for the Conditional Uses Subdistrict, Special Exceptions to Conditional Use Locational Criteria map for inclusion in the FLUM series.

The proposed amended Subdistrict text, as recommended by the Collier County Planning Commission (CCPC), is depicted in Ordinance Exhibit “A.”

The process for adoption of a small-scale comprehensive plan amendment requires (in part) the following statutory standards be met [followed by staff analysis in bracketed and italicized 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 6.25-acre property.]

(b) 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. [Thus far, three small scale GMP amendments have been adopted in calendar year 2018 for a total of +17.48 acres (5.35 + 5.8 + 6.33).]
(c) 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.]

(d) 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.]

Based on the review of this small-scale GMP amendment petition, including the supporting data and analysis, staff makes the following findings and conclusions:

- There are no adverse environmental impacts as a result of this petition.
- No historic or archaeological sites are affected by this amendment.
- The proposed church use is compatible with the surrounding area based upon a macro view (Zoning Services Section staff conduct a more detailed compatibility review as part of their review of the conditional use petition where considerations include building height and setbacks, landscape buffers and open space, surrounding land uses, etc.
- There are no infrastructure related concerns regarding impacts upon adopted level of service standards.
- On July 19, 2018, the CCPC recommended that the BCC approve the transmittal of the Golden Gate Area Master Plan (GGAMP) Re-study-based GMP amendments at their upcoming scheduled public hearing on September 25, 2018. Those amendments include an allowance for Estates zoning district conditional uses at major intersections, such as Collier Boulevard and Golden Gate Boulevard, but limits the project size to 5 acres.
- In staff’s opinion, if this petition is approved it will increase the likelihood of a similar petition (to allow an Estates zoning district CU, conditional use) being submitted for the property across Golden Gate Blvd. at the northeast corner of Golden Gate Blvd. and Collier Blvd.
- Staff finds that the data and analysis submitted by the petitioner demonstrates a need for the proposed amendment and that this is an appropriate location to fulfill that need.

The data and analysis provided for the amendment supports the proposed changes to the GGAMP. The complete staff analysis of this petition is provided in the CCPC Staff Report.
**FISCAL IMPACT:** The cost to process, review and advertise this petition was borne by the petitioner via application and advertisement fees. Therefore, there are no fiscal impacts to Collier County as a result of the adoption of this amendment.

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

**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.” Section 163.3177(1)(f), FS. In addition, Section 163.3177(6)(a)2, FS provides that GGAMP 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 need to modify land uses and development patterns with antiquated subdivisions.
- i. The discouragement of urban sprawl.
- j. The need for job creation, capital investment and economic development that will strengthen and diversify the community’s economy.

And FLUE map amendments shall also be based upon the following analysis per Section 163.3177(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 is approved as to form and legality. It requires a super-majority vote for approval because this is an adoption hearing. [HFAC]

STAFF RECOMMENDATION TO THE COLLIER COUNTY PLANNING COMMISSION: That the CCPC forward petition PL20160002584/CP-2017-1 to the Board with a recommendation of approval.

COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION: The CCPC continued this petition indefinitely at their meeting on May 3, 2018 due to changes the applicant proposed to the project and presented at the meeting. The applicant held a second Neighborhood Information Meeting (NIM) on June 25, 2018. On September 20, 2018, the CCPC held a public hearing and voted 5-1 (Mr. Strain against) to forward the petition to the Board with a recommendation to adopt and transmit to the Florida Department of Economic Opportunity. On November 13, 2018, the BCC held a public hearing and as a final decision voted unanimously to send both the GMPA and the CU petitions back to the CCPC for further discussion and to consider possible additional conditions on the CU. The CCPC held a public hearing on January 17, 2019 and did approve the additional conditions to the CU petition proposed by applicant. The CCPC did not take a second vote on the GMPA petition.

A total of seventeen emails (including multiple emails from several individuals) were received opposing the project, since the BCC met in November. There were four public speakers at the January 17, 2019 CCPC meeting, all of which expressed opposition to the GMPA and CU petitions and concerns that included: traffic impacts, environmental impacts, and impacts upon residents’ quality of life.

STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS: To adopt the Ordinance and transmit petition PL20160002584/CPSS-2017-1 to the Florida Department of Economic Opportunity per the CCPC recommendation.

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