TO:  COLLIER COUNTY PLANNING COMMISSION
FROM:  GROWTH MANAGEMENT DEPARTMENT, ZONING DIVISION, COMPREHENSIVE PLANNING SECTION
HEARING DATE:  JANUARY 17, 2019 – CONTINUED FROM DECEMBER 6, 2018
SUBJECT:  PETITION PL20170004419 / CP-2018-1, 2018 CYCLE ONE GROWTH MANAGEMENT PLAN AMENDMENT [TRANSMITTAL HEARING]
ELEMENT:  FUTURE LAND USE (FLUE)

APPLICANT/AGENTS:
Applicant:  Keith Gelder, President
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2639 Professional Circle, no. 101
Naples, FL 34119

Agents:
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Naples, FL 34110

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Coleman, Yovanovich & Koester, P.A.
4001 Tamiami Trail North, Suite 300
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GEOGRAPHIC LOCATION:
The subject property comprises 35.57 acres and is located in the southeast quadrant of the Livingston Road and Veterans Memorial Boulevard intersection. The non-corner property fronts approximately 660 feet on east side of Livingston Road and 660 ft. on the south side of Veterans Memorial Boulevard. The property lies within the North Naples Planning Community, in Section 13, Township 48 South, Range 25 East.
REQUESTED ACTION:
This petition seeks to establish a new Subdistrict in the Future Land Use Element (FLUE) text, and Future Land Use Map and Map Series of the Growth Management Plan (GMP) by amending:

1) Policy 1.5 of the Urban - Mixed Use District to add the Livingston Road/Veterans Memorial Boulevard East Residential Subdistrict;
2) the Urban – Mixed Use District to establish the new Subdistrict provisions;
3) the Future Land Use Map Series listing to add the title of the new Subdistrict map; and,
4) the Future Land Use Map to depict the new Subdistrict and adding a new Future Land Use Map Series inset map that depicts the new Subdistrict.

The Subdistrict language proposed by this amendment is found in Resolution Exhibit “A.”

PURPOSE/DESCRIPTION OF PROJECT:
The petition proposes the new Livingston Road/Veterans Memorial Boulevard East Residential Subdistrict in the Urban – Mixed Use District that: allows residential density up to 12 dwelling units per acre (DU/A) yielding 420 DUs; requires the property to be rezoned to a Residential Planned Unit Development (RPUD); limits allowable uses to multi-family rental dwellings; and, requires utilization of two Transportation Demand Management (TDM) strategies.

SURROUNDING FUTURE LAND USE MAP DESIGNATIONS, ZONING AND LAND USES:
Subject Property: The entire subject property, which comprises 35.57 acres, is designated Urban – Mixed Use District, Urban Residential Subdistrict, which generally provides for higher [land use] densities in an area with fewer natural resource constraints and where existing and planned public facilities are concentrated.

The entire subject property lies within the Northwest Transportation Concurrency Management Area (TCMA), an area where traffic management strategies are employed to reduce traffic impacts. This TCMA is bounded by the Collier-Lee County Line on the north side; I-75 right-of-way on the east side; Pine Ridge Road on the south side; and, the Gulf of Mexico on the west side. From the Livingston Road and Veterans Memorial Boulevard intersection, Livingston Road (CR 881) extends north beyond the Collier-Lee County Line and continues northerly in Lee County; Livingston extends south, approximately 10 miles, to terminate at its intersection with Davis Boulevard; Veterans Memorial Boulevard extends east approximately 4,400 ft. (.80 mi.), to terminate at entrances to residential developments on the west side of I-75. Veterans Memorial extends west approximately 2,390 ft. (.45 mi.), to terminate at an entrance to a residential development. The 2040 Long Range Transportation Plans (LRTP), both Financially Feasible and Needs Projects, depict this road extending west to US 41.

The approximate northerly 660 ft. portion of the property (17.25 ac.) is zoned A, Rural Agriculture, and is undeveloped. The southerly portion of the property is zoned RPUD, Della Rosa Residential Planned Unit Development, and is undeveloped. See the complete analysis of this PUD under the Background and Analysis section below. A ±8.5-acre portion of the property is also designated ST, Special Treatment Overlay.
**Surrounding Lands:**

North: The Future Land Use Map designates land immediately north (and east) of the subject property Urban – Mixed Use District, Urban Residential Subdistrict. It is zoned RPUD, Brandon Residential Planned Unit Development, and is developed/developing with single-family dwellings. Land further to the north (and northeast) of the subject property, across Veterans Memorial Boulevard, is also designated Urban Residential Subdistrict, is zoned PUD, Mediterra, and is developed/developing with single-family dwellings.

East: The Future Land Use Map designates land located immediately east of the subject property Urban Residential Subdistrict. It is zoned RPUD, Brandon, and is developed/developing with single-family dwellings. The Future Land Use Map designates land lying further east and northeast Urban Residential Subdistrict. This area is zoned A, Rural Agricultural, and is undeveloped.

South: The Future Land Use Map designates land lying immediately south (and southeast and southwest) of the subject property Urban Residential Subdistrict. It is zoned RPUD, Brandon, and is developed/developing with single-family dwellings. Land lying further to the southeast is zoned Royal Palm International Academy PUD and developed with a private school and residentially. A small property lying immediately south is zoned A, Rural Agricultural, and is undeveloped. Another small property lying to the southwest (on Livingston Rd.) is zoned A, Rural Agricultural, with a Conditional Use for a fire station; it is developed with the North Collier District 48 Fire Station.

West: The Future Land Use Map designates a small property lying immediately west of the subject property Urban Residential Subdistrict. It is zoned A, Rural Agricultural, and is undeveloped. Adjacently north of this parcel, located at the southeast corner of Livingston Road and Veterans Memorial Boulevard, is another small property, designated Livingston Road/Veterans Memorial Boulevard Commercial Infill Subdistrict; it is zoned C-1, Commercial Professional and General Office, and is undeveloped.

Land to the west (and northwest and southwest) of the subject property, across Livingston Road, is designated Urban Residential Subdistrict. These lands are zoned A, Rural Agricultural, and undeveloped - except for the entrance road to Veterans Memorial Elementary School, and zoned RMC-Enclave RPUD, and undeveloped. Further to the west, along the south side of Veterans Memorial Boulevard, lies the North Naples Middle School, zoned A, Rural Agricultural, then the Sandlewood RPUD, developed residentially. Further to the southwest, across Livingston Road, lies Veterans Memorial Elementary School, zoned A, Rural Agricultural.

Land to the northwest of the subject property, across Livingston Road and Veterans Memorial Boulevard, is zoned PUD, Mediterra, and is developed with a residential/golf course community.

In summary, the existing and planned land uses, and zoning, in the area surrounding the subject property are primarily urban residences or residential lots in all directions, with public services and schools located nearby, and one small commercial parcel.

**Criteria for GMP Amendments in Florida Statutes**

Data and analysis requirements for comprehensive plans and plan amendments are noted in Chapter 163, F.S., specifically as listed below.
Section 163.3177(1)(f), Florida Statutes:

(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.:  
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:
(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.

Also, the state land planning agency has historically recognized the consideration of community desires (e.g., if the community has an articulated vision for an area as to the type of development desired, such as within a Community Redevelopment Area), and existing incompatibilities (e.g. presently allowed uses would be incompatible with surrounding uses and conditions).

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 AND ANALYSIS:
Residential development in the Urban – Mixed Use District is regulated by the FLUE’s Density Rating System.

A portion of the underlying property – 15.38 acres of the 35.57-acre subject property – is zoned Della Rosa RPUD and approved for 107 DUs (7 DU/A). This density was derived using the Density Rating System as follows: Base Density of 4 DU/A + Residential In-fill Density Bonus = 7 DU/A. One Residential In-fill criterion is that the project must be twenty (20) acres or less in size. Because the...
entire subject site exceeds twenty acres, it is no longer eligible for the Residential In-fill bonus. Because market-rate housing is proposed, the site is not eligible for the Affordable Housing density bonus. The only density bonus the site may be eligible for if the criteria are met, is the TCMA density bonus of 3 DU/A.

This petition requests 420 DUs; the net effect of this amendment is depicted below, with and without meeting the TCMA density bonus criteria. (Note: The Density Rating System states that density bonuses are discretionary, not entitlements, and are dependent upon meeting the criteria for each respective density bonus.)

<table>
<thead>
<tr>
<th>Density with TCMA Bonus</th>
<th>GMP Amendment Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 DU/A x 35.57 acres = 249 DUs</td>
<td>420 DUs requested – 249 DUs eligible = <strong>171 DUs via GMPA</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Density without TCMA Bonus</th>
<th>GMP Amendment Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 DU/A x 35.57 acres = 142 DUs</td>
<td>420 DUs requested – 142 DUs eligible = <strong>278 DUs via GMPA</strong></td>
</tr>
</tbody>
</table>

**Appropriateness of the Site and the Change:**

The Meyers Research *Rental Apartment Needs Analysis* (June 2018), is part of the supporting data & analysis submitted with GMPA application materials (Exhibit V.D.1.). The Meyers Research analyzes the [specific] need for market-rate rental apartments, revealing that a healthy apartment market is evidenced by rental rates for market-based apartments that steadily increased from the beginning of 2011, by several projects at lease-up stage, and by market-rate rental apartments historically hovering near full occupancy rates. The *Analysis* indicates that the projected population growth provides sufficient demand for market-based apartments, with the ability to absorb from 14,900 (2020) to 16,700 residents.

At the macro level at which a GMP amendment is reviewed, staff is of the opinion that the proposed GMP amendment is appropriate for the site. The rezone petition to implement the proposed subdistrict will need to address specific compatibility measures. These could include maximum building height; landscape buffers, preserve area location, and open space; building locations and minimum setbacks; building massing and orientation.

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

The subject property lies within Northwest Transportation Concurrency Management Area (TCMA), an area where intensive development exists, or such development is planned, bounded by the Collier-Lee County Line on the north side; the west side of the I-75 right-of-way on the east side; Pine Ridge Road on the south side; and, the Gulf of Mexico on the west side.

In addition to Comprehensive Planning staff’s review of applicable FLUE Policies, Collier County Transportation Planning staff reviewed this petition and contributed the following analysis and findings:
FLUE Policy 2.3 states:
“Deficiencies or potential deficiencies… [require] a developer to construct the needed facilities or defer development until improvements can be made or the level of service is amended to ensure available capacity.”

Transportation Planning Staff finding: The applicant’s April 12, 2018, Traffic Impact Statement (TIS) indicates that it will impact Immokalee Road from Airport Road to Livingston Road which has been projected to exceed the adopted level of service in 2023. Based on this information, the developer shall either construct the needed facilities or defer development until improvements can be made. The 2017 Annual Update and Inventory Report and associated Capital Improvement Element proposes the construction of a parallel facility, Veterans Memorial Boulevard from Livingston Road to Old 41. Therefore, in order to be found consistent with this provision of the Comprehensive Plan, the applicant shall either construct the Veterans Memorial Boulevard or defer development until the roadway is complete.

FLUE Policy 6.1 states:
“Development within a TCMA shall occur in a manner that… [ensures] an adequate level of mobility, [discourages] the proliferation of urban sprawl, [protects] natural resources’ [and] historic resources, [maximizes] the efficient use of existing public facilities, and [promotes] public transit, bicycling, walking and other alternatives to the single occupant automobile.

Transportation Element (TE) Policy 5.6, especially as it pertains to “requirements for utilizing Transportation Demand Management (TDM) strategies” and its parallel FLUE Policy 6.5 state, “[i]n order to be exempt from link specific concurrency, new residential development or redevelopment within [TCMAs] shall utilize at least two of the following Transportation Demand Management (TDM) strategies, as may be applicable:

a) Including neighborhood commercial uses within a residential project.

b) Providing transit shelters within the development (must be coordinated with Collier County Transit).

c) Providing bicycle and pedestrian facilities, with connections to abutting commercial properties.

d) Providing vehicular access to abutting commercial properties.”

The Transportation Concurrency Management Area (TCMA) Bonus is available to residential redevelopment or infill development that meets the criteria established in Policies 6.1 through 6.7 of the Future Land Use Element, and… may add three (3) residential units per gross acre.

Staff previously suggested utilizing additional TDM strategies if the new Subdistrict was to allow residential density greater than the three (3) residential units [seven (7) DU/A total density] allowed by the TCMA Bonus. The Density Rating System does not provide for any additional density if more than the minimum required two criteria are met; staff was suggesting the petition go “above and beyond” and offer something extra to benefit the larger community rather than simply asking for additional density. Application materials do not offer any additional commitments, rather just request the greater density via this GMPA.
It is Transportation Planning staff’s opinion that the first two TDM strategies do not apply for the proposed development. The applicant has not proposed a commercial use within the development. The development is located outside of the Collier Area Transit (CAT) service area (no service expansion is identified in the adopted Transit Development Plan or the 2040 Long Range Transportation Cost Feasible Plan). Therefore, to meet the two required TDM strategies both c) and d) must be provided. Staff will be requiring a developer commitment for both of these TDM strategies and require that the adjacent commercial development be constructed before this development reaches 30 percent occupancy as part of the companion RPUD petition for this development.

A Transportation Impact Statement (TIS), dated April 12, 2018, prepared by TR Transportation Consultants, Inc., was submitted with this petition (Exhibit “V.E.3”). (A revised TIS, dated November 16, 2018, was submitted for the companion PUD rezone petition [which is not under formal consideration with this GMPA Transmittal hearing] which reduces the number of dwelling units to 350 for studying alternative transportation impacts.) It should be noted that a reduction in units could change staff’s findings of this petition as thresholds may not be exceeded that would trigger additional requirements. However, since the GMPA was not revised to reduce units, staff has continued its review based on the original request of 420 units.

**TRANSPORTATION ELEMENT:** In evaluating this project, Transportation Planning staff reviewed the applicant’s April 12, 2018, TIS for consistency with Policy 5.1 of the Transportation Element of the Growth Management Plan (GMP) using the then applicable 2017 Annual Update and Inventory Report (AUIR).

**Policy 5.1 of the Transportation Element of the GMP states:**

“The County Commission shall review all rezone petitions, SRA designation applications, conditional use petitions, and proposed amendments to the Future Land Use Element (FLUE) affecting the overall countywide density or intensity of permissible development, with consideration of their impact on the overall County transportation system, and shall not approve any petition or application that would directly access a deficient roadway segment as identified in the current AUIR or if it impacts an adjacent roadway segment that is deficient as identified in the current AUIR, or which significantly impacts a roadway segment or adjacent roadway segment that is currently operating and/or is projected to operate below an adopted Level of Service Standard within the five year AUIR planning period, unless specific mitigating stipulations are also approved. A petition or application has significant impacts if the traffic impact statement reveals that any of the following occur:

- a. For links (roadway segments) directly accessed by the project where project traffic is equal to or exceeds 2% of the adopted LOS standard service volume;
- b. For links adjacent to links directly accessed by the project where project traffic is equal to or exceeds 2% of the adopted LOS standard service volume; and
- c. For all other links the project traffic is considered to be significant up to the point where it is equal to or exceeds 3% of the adopted LOS standard service volume.

Mitigating stipulations shall be based upon a mitigation plan prepared by the applicant and submitted as part of the traffic impact statement that addresses the project’s significant impacts on all roadways.”
Staff finding: According to the TIS provided with this petition the proposed rezoning to allow a maximum 420 multi-family residential units (residential condo/townhouse) will generate a projected ±176 PM peak hour, two-way trips on the immediately adjacent roadway link, Veterans Memorial Boulevard, and Livingston Road. Veterans Memorial Boulevard is a two-lane facility and is not currently tracked for capacity in the AUIR. Following is a table that provides information related to the current operations of the impacted roadway network:

<table>
<thead>
<tr>
<th>Link ID #</th>
<th>Link</th>
<th>From/To</th>
<th>P.M. Peak Hour Peak Direction Service Volume</th>
<th>2017 P.M. Peak Hour Peak Direction Volume</th>
<th>Remaining Capacity</th>
<th>Level of Service (LOS)</th>
<th>Petition has significant impacts?</th>
</tr>
</thead>
<tbody>
<tr>
<td>51.0</td>
<td>Livingston Road</td>
<td>Imperial Street to Immokalee Road</td>
<td>3,000/North</td>
<td>1,279</td>
<td>1,721</td>
<td>B</td>
<td>Yes</td>
</tr>
<tr>
<td>42.1</td>
<td>Immokalee Road</td>
<td>Airport Road to Livingston Road</td>
<td>3,100/West</td>
<td>2,795</td>
<td>305</td>
<td>D</td>
<td>No</td>
</tr>
<tr>
<td>42.2</td>
<td>Immokalee Road</td>
<td>Livingston Road to I-75</td>
<td>3,500/East</td>
<td>2,489</td>
<td>1,011</td>
<td>C</td>
<td>No</td>
</tr>
</tbody>
</table>

Link ID 42.1 (Immokalee Road from Airport Road to Livingston Road) is projected to become deficient by 2023. While the petition will impact Link ID 42.1, it will be a de minimis impact to the link as defined in Policy 5.2 of the Transportation Element of the GMP. Therefore, the subject petition may be found consistent with this section of the GMP. However, the petition is subject to further evaluation as it relates to the applicable Transportation Concurrency Management policies.

Policy 5.2 of the Transportation Element of the GMP states:
“Project traffic that is 1% or less of the adopted peak hour service volume represents a de minimis impact. Authorization of development with a de minimis impact shall be pursuant to Section 163.3180(6) Florida Statutes.”

Staff finding: The petition is projected to impact Link ID 42.1, a projected deficiency, however, it is anticipated to be a de minimis. However, the petition is subject to further evaluation as it relates to the applicable Transportation Concurrency Management policies.
Transportation Concurrency Management Areas (TCMA):

Policy 5.6 of the Transportation Element of the GMP states:
“...In order to be exempt from link-specific concurrency, developments within the TCMA must provide documentation to the Transportation Planning Section that at least two (2) Transportation Demand Management (TDM) strategies utilized meet the criteria of the LDC...”

Staff finding: The applicant is not required to seek an exemption for link-specific concurrency as the there is sufficient capacity on links identified and the link that does have a projected deficiency, the petition would have a de minimis impact. Therefore, TDM strategies are not required by this policy. This does not negate that TDM strategies may be required to fulfill other requirements of the GMP such as density bonuses.

Policy 5.7 of the Transportation Element of the GMP states:
“Each TCMA shall maintain 85% of its lane miles at or above the LOS standards described in Policies 1.3 and 1.4 of this Element. If any Traffic Impact Statement (TIS) for a proposed development indicates that fewer than 85% of the lane miles in a TCMA are achieving the LOS standards indicated above, the proposed development shall not be permitted where such condition occurs unless modification of the development is made sufficient to maintain the LOS standard for the TCMA, or the facilities required to maintain the TCMA LOS standard are committed utilizing the standards for committed improvements in Policy 5.3 of the Capital Improvement Element of the Plan.”

Staff finding: Per the 2017 Annual Update and Inventory Report, the Northwest TCMA current has 98.9% of the lane miles operating at an acceptable LOS.

Policy 5.8 of the Transportation Element of the GMP states:
“Should the TIS for a proposed development reflect that it will impact either a constrained roadway line and/or a deficient roadway link within a TCMA as determined in the most current Annual Update and Inventory Report (AUIR), by more than a de minimis amount (more than 1% of the maximum service volume at the adopted LOS), yet continue to maintain the established percentage of lane miles indicated in Policy 5.7 of this Element, a proportionate share congestion mitigation payment shall be required as follows:

a. Congestion mitigation payments shall be calculated using the formula established in Section 163.3180(5)(h), Florida Statutes. The facility cost for a constrained roadway link shall be established using a typical lane-mile cost, as determined by the Collier County Transportation Administrator, of adding lanes to a similar area/facility type as the constrained facility.

b. Congestion mitigation payments shall be utilized by Collier County to add trip capacity within the impacted TCMA, road segment(s) and/or to enhance mass transit, or other non-automotive transportation alternatives, which adds trip capacity within the impact fee district or adjoining impact fee district.

c. Congestion mitigation payments under this Policy shall be determined subsequent to a finding of concurrency for a proposed project within a TCMA and shall not influence the concurrency determination process.
d. No impact will be de minimis if it exceeds the adopted LOD standard of any affected designed hurricane evacuation routes within a TCMA. Hurricane routes in Collier County are shown on Map TR7. Any impact to a hurricane evacuation route within a TCMA shall require a proportionate share congestion mitigation payment provided the remaining LOS requirements of the TCMA are maintained.”

**Staff finding:** The proposed development’s area of significant impact does extend to link 42.1, Immokalee Road from Airport-Pulling to Livingston Road. This is an identified hurricane evacuation route. Transportation Planning staff will be requiring a developer commitment for the proportionate share congestion mitigation payment consistent with Policy 5.8.d above as part of the companion RPUD petition for this development. Based on this condition, the proposed development can be found consistent with these policies.

**Policy 7.1 of the Transportation Element of the GMP states:**
“Collier County shall apply the standards and criteria of the Access Management Policy as adopted by Resolution and as may be amended to ensure the protection of the arterial and collector system’s capacity and integrity.”

**Staff finding:** While the GMPA application does not provide the level of specificity to review this provision, the applicant has submitted for concurrent reviews of both the Planned Unit Development and associated Site Development Plan. The development proposes a main access on Veterans Memorial Boulevard which is a ‘Class 7’ facility. This access is approximately 600 feet from the intersection of Livingston Road and meets access management minimum standards of 125 feet. This access will require a right turn lane and compensating ROW. A second exit-only access on Livingston Road is also proposed which does not meet access management distance separation requirements. The Access Management Resolution 13-257 represents desirable requirements; however, the ultimate goal is to exceed these standards. Transportation Planning staff does not recommend approval of the second access point as it is not consistent with the Access Management Resolution 13-257. Transportation Planning staff finds that the proposed development can be found consistent with this Policy if second access point on Livingston Road is removed from the plan.

**Policy 7.3 of the Transportation Element of the GMP states:**
“The County shall implement, through its Land Development Code and Code of Laws and Ordinances, the provision of safe and convenient onsite traffic flow and need for adequate parking for both motorized and non-motorized vehicles as a primary objective in the review of Planned Unit Developments, Site Development Plan, and other appropriate stages of review in the land development application review process. Coordination shall occur with County Engineering staff where traffic circulation is outside the limits of the public ROW.”

**Staff finding:** The roadway infrastructure is sufficient to serve the proposed project as noted above. Operational impacts will be addressed at time of first development order (SDP or Plat), at which time a new TIS will be required. This TIS will be required to analyze major intersections that are part of the significantly impacted roadways, major intersections that are within 1,320 feet of the site access, and all site-access intersections. Finally, the project’s development must comply with all other applicable concurrency management regulations and Transportation
Concurrency Management Area requirements when development approvals, including but not limited to any plats and or site development plans, are sought.

**Policy 9.3 of the Transportation Element of the GMP states:**
“The County shall require, wherever feasible, the interconnection of local streets between developments to facilitate convenient movement throughout the road network. The LDC shall identify the circumstances and conditions that would require the interconnection of neighboring developments and shall also develop standards and criteria for the safe interconnection of such local streets.”

**Staff finding:** While the GMPA application does not provide the level of specificity to review this provision, the applicant has submitted for concurrent reviews of both the Planned Unit Development and associated Site Development Plan. The proposed developments master plan and subsequent site development plans must provide for potential-future interconnection to an adjacent undeveloped commercial (C-1) parcel to the west. Transportation Planning staff finds that the proposed development can be found consistent with this Policy and notes that the interconnection is tied to the TDM strategies related to the density bonus.

**Policy 9.5 of the Transportation Element of the GMP states:**
“The County shall encourage projects which provide local resident, pedestrian, bicyclist and motorist movement between and among developments on neighborhood streets in a deliberate balance with its efforts to route cut-through traffic away from neighborhoods and to the arterials and collectors designated in the Transportation Element of the Collier County Growth Management Plan.”

**Staff finding:** As noted above in Policy 9.3, while the GMPA application does not provide the level of specificity to review this provision, the applicant has submitted for concurrent reviews of both the Planned Unit Development and associated Site Development Plan. The proposed developments master plan and subsequent site development plans must provide for potential-future interconnection to an adjacent undeveloped commercial (C-1) parcel to the west. The specific design of the neighborhood street will be addressed in the companion PUD document. Transportation Planning staff finds that the proposed development can be found consistent with this Policy and notes that the interconnection is tied to the TDM strategies related to the density bonus.

**Transportation Planning Staff Recommendation:**
Transportation Planning staff finds this petition consistent with the GMP with the noted development commitments staff will recommend as part of the companion Allura RPUD PL2017-4385, and further recommends that the Collier County Planning Commission (CCPC) forward Petition PL2017-4419 to the Board of County Commissioners (BCC) with a recommendation of approval for transmittal.

[Michael Sawyer, Principal Planner, Transportation Planning Section
Trinity Scott, Planning Manager, Transportation Planning Section, and
Amy Patterson, Director,
Capital Project Planning, Impact Fees and Program Management]
Public Facilities Impacts:

A Public Facilities Report, dated July 13, 2018 (Exhibit V.E.1), and a Public Service Facilities Map, dated July 11, 2018 (Exhibit V.E.2), were submitted with this petition.

- Potable Water System: The subject project lies in the County’s Water Service Area, and development will be served by Collier County potable water treatment services. The anticipated average daily demand for potable water for the residential project is 147,000 gallons per day (gpd) [198,450 gpd “Peak”]. Collier County has sufficient capacity to provide water services.

- Wastewater Collection and Treatment System: The subject project lies in the North County Wastewater Service Area, and development will be served by Collier County wastewater collection and treatment services. The anticipated average daily demand for wastewater collection and treatment for the residential project is estimated at 105,000 gallons per day (gpd) [141,750 gpd “Peak”]. Collier County has sufficient capacity to provide wastewater services.

- Solid Waste Collection and Disposal: The solid waste disposal service provider is Collier County Solid Waste Management. The 2018 AUIR notes that the County projects more than 50 years of remaining landfill capacity.

- Stormwater Management System: The 2018 AUIR does not identify any stormwater management improvement projects in the vicinity of the subject property. Future development will comply with the SFWMD and/or Collier County rules and regulations that assure controlled accommodation of stormwater events by both on-site and off-site improvements.

- Park and Recreational Facilities: The availability of community and regional park facilities is sufficient to meet the demand generated by proposed residential development.

- Schools: The subject site is within the E8, Northwest Area 2 CSA for elementary schools, the M4 Northwest Area CSA for middle schools, and the H4 Northwest Area CSA for high schools.
  
  The E8 CSA includes two elementary schools, Laurel Oak and Veterans Memorial. They have a combined FISH capacity of 1,793 students, a 2016/2017 peak enrollment of 1,739 students, and a projected 2021/2022 enrollment of 1,789 students (100% capacity). According to the Collier County Public Schools Capital Improvement Plan (CIP) for fiscal years 2018 through 2037, the opening of a new charter school in the 2017-2018 school year is anticipated to affect enrollment in this CSA. The enrollment at Laurel Oak is being monitored. Long-term re-locatable classroom capacity was added to the permanent capacity in 2010.

  The H4/M4 CSA includes Barron Collier and Gulf Coast High Schools, and North Naples, Oakridge, and Pine Ridge Middle Schools. The high schools have a combined FISH capacity of 3,606 students, and a 2016/2017 peak enrollment of 3,888 students, and a projected 2021/2022 enrollment of 4,000 students (111% capacity). The middle schools have a combined capacity of 3,361 students, a peak enrollment in 2016/2017 of 3,015 students, and a projected 2021/2022 enrollment of 2,977 students (89% capacity). According to the CIP, enrollment at Gulf Coast HS is being monitored, and temporary alternatives to address overcrowding may be implemented prior to permanent relief with the opening of a new high school in 2023.

- Emergency Medical (EMS) and Fire Rescue Services: The subject property is located within the North Naples Fire & Rescue District, with collocated services at District Station 48, located at
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16280 Livingston Rd., which is located along Livingston Rd., adjacent to the southwestern portion of the property.

Collier County Public Utilities Department, Planning and Project Management Division staff reviewed this petition and identified no issues or concerns regarding impacts upon potable water, wastewater collection and treatment or solid waste collection and disposal services.

[Eric Fey, PE, Senior Project Manager, Public Utilities Engineering Department]

Environmental Impacts:

A Vegetation Map, Soils Map, and Listed Species Table, dated July 2018, prepared by DexBender Environmental Consulting, were submitted with this petition (Exhibits V.C, V.C.1, and V.C.2). Environmental review specialists with County Development Review Division, Environmental Planning Section, reviewed these documents and provided the following comments:

The subject property is 35.57 acres. The acreage of native vegetation on site has been field verified by staff during review the Planned Unit Development (PUD) for the project. The existing ST Overlay located on the property will be removed as part of the PUD approval process.

The proposed GMP amendment has no effect on the requirements of the Conservation and Coastal Management Element (CCME) of the GMP. Native vegetation on site will be retained in accordance with the requirements of CCME Policy 6.1.1 and Section 3.05.07 of the LDC.

[Craig Brown, Senior Environmental Specialist Environmental Planning Section Development Review Division]

NEIGHBORHOOD INFORMATION MEETING 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 September 6, 2018, at 5:30 p.m. as required by Section 10.03.05 F. of the LDC. This NIM was advertised, noticed and held jointly for this GMP amendment petition and companion PUD rezone petition [which is not under formal consideration with the transmittal hearing].

Approximately 60-80 members of the public attended the NIM, in addition to the applicant’s team and County staff. The agent (Bob Mulhere) representing the applicant (Gelder) gave a presentation and responded to questions and comments. Mr. Mulhere pointed out location near Livingston Rd./Veterans Memorial Blvd. intersection. The location of the project’s main access point is onto Veterans Memorial Blvd., with a point of egress only onto Livingston Road.

He explained landscape buffer types (referencing a display panel); project development, with six buildings, with freestanding garages (referencing a display panel).

Several members of the public spoke, asking questions/seeking more information, expressing concerns, and expressing opposition for the proposed project. Many of them identified themselves as being residents of the neighboring communities of Mediterra, Barrington Cove, Tallis Park or Sequoia Reserve (near the school, west across the intersection). Their comments and concerns included:
• Traffic congestion; inc. the age and validity of the traffic counts used in the proposal’s studies, and the additional traffic placed on the road system by the Seed to Table commercial location opening soon; the agent explained the County’s requirements and standards for Transportation Impact Studies, and how County personnel account for each new development as it’s proposed.

• School population & student counts generated from this rental project; the agent answered that School District representatives review these proposals for the impacts on schools and have addressed these concerns.

• Proposed 4-story building heights, and the resulting loss of privacy imposed on neighboring properties; the agent addressed the project is designed with garage locations & setbacks designed to minimize this possibility.

• Project characteristics, apartment unit sizes and the percentage of each, proposed; the agent described an upscale project, with about 35% one bdrm. and 55% two bdrm. apartment styles. Concerns regarding the general transient nature of tenancy, problems with management companies and the vetting of potential renters [shared personal worst-case scenarios], and lower standards rental properties; the agent and applicant addressed these concerns, with examples of their existing projects, general nature of their expected tenants, and their management offices.

• The incompatibility of this high-density project with the established surrounding low-density residential area (single-family, coach homes), as now planned and expected by previous homebuyers and neighbors; the agent pointed out how the County’s Plan, along with incentives within the TCMA’s work to encourage such development.

• Asked if the developers are prepared [or should be] with alternate plans to the high density/intensity of current proposal?

• Impacts on the neighborhood taxes? The agent explained how affects are minimized, as Impact Fees paid by the developer absorb the costs of new or additional services required by the development.

• Emergency services and the conflicts of introducing new traffic onto Livingston Road are where problems already apparent; agent answered that Fire District representatives review these proposals for the impacts on their ability to provide services and are addressing these concerns.

The strong consensus was expressed that developing the property was not opposed, but the proposed intensity and density of this project and this specific development is opposed.

The information meeting was ended at approximately 6:40 p.m.

This synopsis provides the annotated NIM proceedings. An audio and a video recording of the entire Neighborhood Information Meeting are available on the County’s “I” drive, at I:/GMD/Comprehensive Planning/NIM Recordings & PREAPP Notes.

[Synopsis prepared by C. Schmidt, AICP, Principal Planner]
FINDINGS AND CONCLUSIONS:

- The subject site is undeveloped, partly zoned A, Rural Agricultural. The southerly portion of the property is zoned Della Rosa Residential PUD. A ±8.5-acre portion of the property is also designated ST, Special Treatment Overlay. The entire site is designated Urban Residential Subdistrict on the FLUM and lies within the Northwest TCMA, an area where traffic management strategies are employed to reduce traffic impacts.

- Analysis indicates that projected population growth provides sufficient demand for market-based apartments.

- At the macro level at which a GMP amendment is reviewed, staff is of the opinion that the proposed GMP amendment is appropriate for the site. The rezone petition to implement the proposed subdistrict will need to address specific compatibility measures.

- No issues or concerns regarding impacts upon potable water, wastewater collection and treatment or solid waste collection and disposal services have been identified.

- The proposed GMP amendment has no effect on the requirements of the Conservation and Coastal Management Element (CCME).

- The Barron Collier and Gulf Coast High Schools have a combined FISH capacity of 3,606 students, and a 2016/2017 peak enrollment of 3,888 students, and a projected 2021/2022 enrollment of 4,000 students (111% capacity). Enrollment at Gulf Coast High School is being monitored, and temporary alternatives to address overcrowding may be implemented prior to permanent relief with the opening of a new high school in 2023.

- The only density bonus the site may be eligible for if the criteria are met, is the TCMA density bonus of 3 DU/A. This petition requests 420 DUs; the net effect of this amendment is to request an increase of 171 DUs or 278 DUs, with and without meeting the TCMA density bonus criteria, respectively. (Note: The Density Rating System states that density bonuses are discretionary, not entitlements, and are dependent upon meeting the criteria for each respective density bonus.)

- People attending the Neighborhood Information Meeting expressed a strong consensus that developing the property was not opposed, but the proposed intensity and density of this project and this specific development is opposed.

LEGAL CONSIDERATIONS:

This Staff Report was reviewed by the County Attorney’s Office. 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. [SAS]
STAFF RECOMMENDATION TO THE COLLIER COUNTY PLANNING COMMISSION:

Based on the analyses provided within this report, staff recommends that the Collier County Planning Commission forward Petition PL20170004419/CP-2018-1 to the Board of County Commissioners with a recommendation to approve for transmittal to the Florida Department of Economic Opportunity, subject to the following revisions to the proposed subdistrict, mostly for proper format, use of code language, succinctness, and clarity.

(Note: single underline text is added, as proposed by petitioner; double underline text is added, and double strikethrough text is deleted, as proposed by staff.)

Livingston Road/Veterans Memorial Boulevard East Residential Subdistrict

The Livingston Road/Veterans Memorial Boulevard East Residential Subdistrict consists of ±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 12 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 420 units.

c. The RPUD shall demonstrate consistency with FLUE Policy 6.5 by providing two or more of following:

i. A transit shelter within the RPUD in a location and design approved by Collier County Public Transit & Neighborhood Enhancement (PTNE) Division;

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

iii. Vehicular interconnection to the abutting commercial property to the west.

Occupancy of multi-family dwelling units shall not exceed thirty percent (30%) of the total number allowed until after these bicycle, pedestrian and vehicular facilities are constructed and the functioning connections and interconnections are provided.

d. The RPUD shall include development standards and buffers to insure compatibility with surrounding land uses.

e. The RPUD shall demonstrate consistency with FLUE Policy 2.3 by either constructing Veterans Memorial Boulevard or deferring development until the roadway is complete.

f. The RPUD shall demonstrate consistency with Policy 5.8 of the Transportation Element by providing a Congestion Mitigation Payment at the time of the first development order approval.
Staff provides the following reminder: This GMP amendment follows the Expedited State Review process. Chapter 163.3184 (3)(c)1, Florida Statutes, provides that the County Board (local governing body) shall hold its Adoption (second public) hearing within 180 days after receipt of agency comments, unless extended by agreement with notice to the DEO (state land planning agency) and any affected person that provided comments on the amendment. This notification, review and comment process period is approximately 7.5 months (225 days) from the time the County Board holds its Transmittal (initial public) hearing.
PETITION No.: PL20170004419/CP-2018-1
Staff Report for the December 6, 2018, CCPC meeting.

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