EXECUTIVE SUMMARY

Recommendation to approve by Resolution the single Petition within the 2018 Cycle One of Growth Management Plan Amendments for an Amendment specifically Proposed to the Future Land Use Element to Establish the Livingston Road/Veterans Memorial Boulevard East Residential Subdistrict for Transmittal to the Florida Department of Economic Opportunity for Review and Comments Response. (Transmittal Hearing) (PL20170004419/CP-2018-1)

OBJECTIVE: For the Board of County Commissioners (Board) to approve the single petition in the 2018 Cycle One of amendments to the Collier County Growth Management Plan (GMP) for transmittal to the Florida Department of Economic Opportunity and other statutorily required review agencies.

CONSIDERATIONS:

- Chapter 163, F.S., provides for an amendment process for a local government’s adopted Comprehensive Plan.
- Collier County Resolution No. 12-234 provides for a public petition process to amend the GMP.
- The Collier County Planning Commission (CCPC), sitting as the “local planning agency” under Chapter 163.3174, F.S., held their Transmittal hearing for the 2018 Cycle 1 petition on December 6, 2018, January 17, 2019 and February 7, 2019 (one petition only, PL20170004419/CP-2018-1).
- This Transmittal hearing for the 2018 Cycle 1 petition considers an amendment to the Future Land Use Element (FLUE).

The GMP amendment requested is specific to a non-corner 35.57-acre property, fronting approximately 660 feet on the east side of Livingston Road and 660 feet on the south side of Veterans Memorial Boulevard, in Section 13, Township 48 South, Range 25 East (North Naples Planning Community). The approximate northerly 660-feet portion of the property (17.25 ac.) is zoned A, Rural Agricultural, and is undeveloped. The southerly portion of the property is zoned RPUD, Della Rosa Residential Planned Unit Development, approved for 107 DUs (7 DU/A), and is undeveloped. An ±8.5-acre portion of the property is also designated ST, Special Treatment Overlay.

This petition seeks to amend the GMP, adopted by Ordinance No. 89-05, as amended, specifically amending the FLUE by adding a new Subdistrict in the Urban – Mixed Use District, revising 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 new residential subdistrict will: allow a maximum residential density up to 8.55 dwelling units per acre (DU/A) yielding 304 DUs; require the property to be rezoned to a Residential Planned Unit Development (RPUD); limit allowable uses to multi-family rental dwelling units of market rate housing; and, utilize Transportation Demand Management (TDM) strategies.

In Summary, the new Subdistrict derives its residential density using the Density Rating System as follows: Base Density of 4 DU/A + Transportation Concurrency Management Area (TCMA) Bonus of 3 DU/A = 7 DU/A. The Density Rating System states that density bonuses are discretionary, not entitlements, and are dependent upon meeting the criteria for each respective density bonus – in this case, utilizing Transportation Demand Management (TDM) strategies. These 7 DU/A applied to the subject site’s 35.57 acres allows up to 249 DUs.

The additional density of 1.55 DU/A is derived not from the FLUE’s Density Rating System, but from the ask within the amendment itself. Subdistrict provisions require TDM strategies to be written into PUD Developer Commitments. The Subdistrict limits project development to 7 DU/A until the facilities and interconnections associated with the TDM strategies are completed (such as, providing an on-site Collier Area Transit shelter and interconnection(s) to abutting commercial development).
In preparation for the December 6, 2018 CCPC hearing, the staff based their analysis of this petition on the originally-requested 420 dwelling units. The initial Subdistrict proposal allowed a maximum residential density up to 12 dwelling units per acre (DU/A), yielding 420 DUs, required the property to be rezoned to a Residential Planned Unit Development (RPUD), limited allowable uses to multi-family rental dwellings, and required utilization of two TDM strategies.

Based on the review of this petition, including the supporting data and analysis, staff made the following findings and conclusions:

- The subject site is undeveloped, partly zoned A, Rural Agricultural and partly zoned Della Rosa Residential PUD. An ±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 Transportation Concurrency Management Area (TCMA), an area where the Plan encourages compact urban development and utilizes transportation demand management strategies 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 Florida Inventory of School Houses (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.

- 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.

The applicant explained that changes they made in November 2018 to their companion PUD application materials included reducing intensity from 420 to 350 DUs. Additional time was needed to properly prepare for similar changes in GMP materials, and the applicant requested to continue this hearing to a later date.

At the January 17, 2019 CCPC meeting, changes presented by the applicant would limit the maximum residential density to 9.8 DU/A, yielding 350 DUs. Numerous speakers presented extensive public testimony, expressing concerns related to intensity, density, compatibility and traffic congestion.

Transportation Planners reported further that the reduced number of dwelling units [to 350] affects their findings differently, and commented:

- According to the 2018 Annual Update and Inventory Report (AUIR), Livingston Road is currently and projected to operate at an acceptable level of-service.

- Additional improvements within and near the TCMA will assist in maintaining the acceptable level-of-service on a link specific basis as well as areawide. These improvements include: Veteran’s Memorial Boulevard is slated to be constructed between Livingston Road; Old 41 Project Development and Environmental study from US 41 to the Lee County line to determine future improvements; and, Logan Boulevard improvements will soon be completed from Immokalee Road to Bonita Beach Road – another parallel north-south connection that will provide relief.
Due to the project’s location within the TCMA, if the project were to impact a deficient or projected deficient roadway, the project would be eligible to seek an exemption from link by link concurrency.

Though the applicant does not need to seek an exemption for link-specific concurrency (as there is sufficient capacity on links identified and the link that does have a projected deficiency would have a de minimis impact at this time for transportation consistency purposes, the applicant has committed to executing at least two transportation demand strategies to gain an additional 3 DU/A density.

A second exit-only access on Livingston Road is proposed [by the companion PUD] which does not meet access management distance separation requirements. The Access Management Policy (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 Policy. Transportation Planning staff finds that the proposed development can be found consistent with the Access Management Policy if the second access point on Livingston Road is removed from the companion PUD master plan.

The CCPC continued this hearing to February 7.

At the February 7, 2019 CCPC meeting, the applicant proposed to provide 10% of the dwelling units as affordable housing at 80 to 120% of median income. Numerous speakers presented continuing public testimony with the same concerns as previously as well as concerns about affordable housing units. Changes presented by the CCPC recommended limiting the maximum residential density to 8.55 DU/A, yielding 304 DUs, and limiting the units to market rate only. The proposed Subdistrict text, as recommended by the CCPC, is depicted in Resolution Exhibit “A”.

FISCAL IMPACT: No fiscal impacts to Collier County result from this amendment, as this approval is for the transmittal of this proposed amendment. Petition fees account for staff review time and materials, and for the cost of associated legal advertising/public notice for the public hearings.

GROWTH MANAGEMENT IMPACT: Approval of the proposed amendment by the Board for transmittal and its submission to the Florida Department of Economic Opportunity and other statutorily required review agencies will commence the Department’s thirty (30) day review process and ultimately return the amendment to the CCPC and the Board for its Adoption hearing tentatively to be held in late Spring of 2019.

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), F.S. In addition, Section 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 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 majority vote for approval because this is a Transmittal hearing.  [SAS]

STAFF RECOMMENDATION TO THE COLLIER COUNTY PLANNING COMMISSION: That the CCPC forward petition PL20170004419/CP-2018-1 to the Board, with the maximum residential density up to 9.8 dwelling units per acre (DU/A) yielding 350 dwelling units; as heard at the January 17, and February 7, 2019 meetings, and to transmit to the Florida Department of Economic Opportunity and other statutorily required review agencies.

COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION: The CCPC heard this petition at their January 17, and February 7, 2019 meetings, and voted [4/2] to forward the subject petition to the Board, with the maximum residential density up to 8.55 dwelling units per acre (DU/A) yielding 304 dwelling units; with a recommendation to transmit to the Florida Department of Economic Opportunity and other statutorily required review agencies. There is public opposition to the petition and therefore it cannot be placed on the Board’s Summary Agenda.

STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS: To approve the draft Resolution and transmit petition PL20170004419/CP-2018-1 to the Florida Department of Economic Opportunity and other statutorily required review agencies, as recommended by the CCPC.

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