STAFF REPORT
COLLIER COUNTY PLANNING COMMISSION

TO: COLLIER COUNTY PLANNING COMMISSION
FROM: GROWTH MANAGEMENT DEPARTMENT/ZONING DIVISION, COMPREHENSIVE PLANNING SECTION

HEARING DATE: September 5, 2019

RE: PETITION CP-2018-08/PL20180002804, 2018 Cycle 3 LARGE SCALE GROWTH MANAGEMENT PLAN AMENDMENT (Companion to PUDA-PL20180002813) [TRANSMITTAL HEARING]

ELEMENT: FUTURE LAND USE ELEMENT (FLUE)

AGENT/APPLICANT/OWNER(S):

Agents: Alexis Crespo, AICP
Waldrop Engineering
28100 Bonita Grande Dr. #305
Bonita Springs, FL 34135

Richard Yovanovich, Esq.
Coleman Yovanovich Koester
4001 Tamiami Trail North, Suite 300
Naples, FL 34103

Owner/Applicant: Wilton Land Company, LLC
206 Dudley Road
Wilton, CT 06897

GEOGRAPHIC LOCATION:

The ±19.13-acre site is located at the northeast corner of the intersection of Collier Blvd. (CR 951) and Rattlesnake Hammock Road (CR 864), in Section 14, Township 50 South, Range 26 East. (Royal Fakapalm Planning Community).
REQUESTED ACTION:

The applicant proposes a large-scale Comprehensive Plan amendment (text-based only) to the Future Land Use Element (FLUE) to amend the Mixed-Use Activity Center Subdistrict #7 to increase residential density in the northeast quadrant, within the Hammock Park Commercial Planned Unit Development (CPUD), to allow a maximum of 265 multi-family (rental apartment) dwelling units. The request is also to reflect the proposed PUD amendment from CPUD to Mixed Planned Unit Development (MPUD) via a companion petition that will be reviewed at the Adoption hearing for this GMPA petition (assuming it is transmitted).

The proposed amended text is as follows (reflected in the Ordinance Exhibit A):

(Single underline text is added, single strike-through text is deleted).

Master Planned Activity Centers

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The maximum amount of commercial uses allowed at Activity Center #7 (Rattlesnake Hammock Road and Collier Boulevard) is 40 acres per quadrant, except that the northeast quadrant may have a total of 68.3 acres and the southeast quadrant may have a total of 49.2 acres, for a total of 197.5 acres maximum in the entire Activity Center; the balance of the land area shall be limited to non-commercial uses as allowed in Mixed Use Activity Centers. Multi-family (apartment) uses shall also be permitted in the northeast quadrant within the Hammock Park MPUD and shall be limited to a total of up to 265 multi-family (apartment) dwelling units. The addition of the 9.3 acres to the northeast quadrant of the Activity center shall not be the basis for adjacent parcels to be rezoned to commercial pursuant the Office and Infill Commercial Subdistrict. With respect to the +/- 19 acres in the northeast quadrant of Activity Center #7, said acreage lying adjacent to the east of the Hammock Park Commerce Center MPUD, commercial development (exclusive of the allowed “1/4 mile support medical uses”) shall be limited to a total of 185,000 square feet of the following uses: personal indoor self-storage facilities – this use shall occupy no greater than 50% of the total (185,000) building square feet; offices for various contractor/builder construction trade specialists inclusive of the offices of related professional disciplines and services that typically serve those
construction businesses or otherwise assist in facilitating elements of a building and related infrastructure, including but not limited to architects, engineers, land surveyors and attorneys – these offices of related professional disciplines and services shall occupy no greater than 50% of the total (185,000) building square feet; warehouse space for various contractor/builder construction trades occupants; mortgage and land title companies; related businesses including but not limited to lumber and other building materials dealers, paint, glass, and wallpaper stores, garden supply stores – all as accessory uses only, accessory to offices for various contractor/builder construction trade specialists or accessory to warehouse space for various contractor/builder construction trades occupants; management associations of various types of buildings or provision of services to buildings/properties; and, fitness centers.

PURPOSE/DESCRIPTION OF PROJECT:

The purpose of the Growth Management Plan Amendment is to amend the FLUE to increase the allowable residential density in the northeast quadrant of the Mixed Use Activity Center #7, within the Hammock Park Commerce Center CPUD limited to 265 multi-family rental apartments only (13.85 DU/A). Residential use is allowed in the Activity Center but the two easterly two quadrants, including the subject site, are limited to the density allowed in the Urban Residential Fringe Subdistrict – 1.5 DU/A or 2.5 DU/A with use of Transfer of Development Rights credits. The Activity Center boundaries and acreage will remain the same. There is a companion Planned Unit Development Amendment (PUDA) zoning petition (PL201800002813) that is requesting to add residential use to the previously approved mixture of retail, commercial and office uses and to revise the name of the project to Hammock Park Mixed Use Planned Unit Development (MPUD).

SURROUNDING ZONING, FUTURE LAND USE DESIGNATION, AND CURRENT LAND USE:

Subject Property:

The ±19.13-acre subject site is currently zoned Hammock Park Commerce Centre CPUD allowing uses from the Commercial Professional and General Office District (C-1), Commercial Convenience District (C-2), and Commercial Intermediate District (C-3) zoning districts. The Future Land Use designation of the PUD as shown on the FLUM is Urban Designation, Commercial District, Mixed Use Activity Center #7 Subdistrict but is also considered within Urban Residential Fringe Subdistrict. The site is currently undeveloped.

Surrounding Properties:

North: To the north is zoned the Good Turn MPUD and is designated Urban, Commercial District, Mixed Use Activity Center #7 Subdistrict and Urban Residential Fringe Subdistrict; it is currently undeveloped but approved for a maximum of 100,000 square feet of commercial land uses and/or a variety of skilled nursing care facilities. Further to the north is undeveloped land that is zoned C-4 and has the same FLUM designation.

South: Immediately adjacent to the south (across Rattlesnake Hammock Road) is a portion of the 2,262-acre Hacienda Lakes MPUD, a development of regional impact (DRI) approved for a wide variety of residential and commercial uses (with a maximum gross density of 0.78 DU/A). The area directly south is currently under development and is designated Urban, Commercial District, Mixed Use Activity Center #7 Subdistrict and Urban Residential Fringe Subdistrict. Further to the south is the Collier Regional Medical Center. The Medical Center is zoned Collier Regional Medical Center PUD (approved for hospital and related uses). The most northerly portion of the Collier Regional Medical Center PUD is designated Urban,
Commercial District, Mixed-Use Activity Center #7 Subdistrict and Urban Residential Fringe Subdistrict, and the southern portion is designated Urban, Mixed Use District, Urban Residential Fringe Subdistrict.

**East:**
To the east is the McMullen MPUD that is currently undeveloped but is approved for 185,000 square feet of commercial development. It is designated Urban, Commercial District, Mixed Use Activity Center #7 Subdistrict and Urban Residential Fringe Subdistrict. Further to the east is a portion of Hacienda Lakes MPUD, currently under development and designated Urban, Mixed Use District, Urban Residential Fringe Subdistrict.

**West:**
Immediately adjacent to the west (across Collier Boulevard), is the Naples Lakes Country Club PUD. The southeast corner of this PUD is designated Urban, Commercial District, Mixed-Use Activity Center #7 Subdistrict, developed with commercial uses (grocery anchored shopping center) and is approved for a maximum of 110,000 square feet of commercial land uses. Further to the west is the residential and golf course development components of the Naples Lakes Country Club PUD, which are designated Urban, Mixed Use District, Urban Residential Subdistrict.

**Justifications for Proposed Amendment:**

The amendment is consistent with other Goals, Objectives and Policies of the Growth Management Plan (GMP), which promote mixed use development and connectivity. The petitioner states, “The Property is within a designated Mixed-Use Activity Center, which is specifically intended to provide for concentrated commercial and mixed-use development with “carefully configured access to the road network”. Activity Center #7 in general encompasses 197.5+/- acres and includes a diverse mix of approved Mixed Use Planned Unit Developments (MPUDs).” The applicant’s justification for the requested amendment is to meet the market demands for multi-family rental housing, while continuing to offer opportunities for commercial development in this Mixed Use Activity Center #7 Subdistrict. The petitioner believes this location will allow for residents to live, shop and work within a convenient travel distance.

The petitioner submitted a market study with his application that indicated that there is a demand in Collier County for multi-family rental housing that would be supported at this location. One recent development (Orchid Run located at the southwest corner of Golden Gate Parkway and Livingston Road) of new multi-family rental housing at market price has been very well received. Although a number of other market-rate multi-family rental housing developments are in various stages currently, the market study indicated that the occupancy rate for market rate apartments has been hovering just above 95% for the past five years, which is indicative of a very tight under-supplied rental market.

The subject site is located in the northeast quadrant at the intersection of two arterial roadways, Rattlesnake Hammock Road and Collier Boulevard, as well as easy access to I-75. Hammock Park MPUD’s location is within 1 mile of the high employment center of Collier Regional Medical Center; and within 6 miles of Naples downtown, Collier County schools in Lely, Naples Community Hospital Downtown, Collier County government offices, multiple shopping areas (including Coastland Center), and many other employment locations. With easy access to two arterial roadways and commuting times and distances potentially reduced, this location can be attractive to prospective renters. This location is well situated for a mixed-use development with market-rate multi-family rental housing.
Identification and Analysis of the Pertinent GMPA Criteria in Florida Statutes Chapter 163.3177:

Section 163.3177(1)(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. 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.

**STAFF ANALYSIS**

The Future Land Use Element (FLUE) states, “The Mixed-Use Activity Center concept is designed to concentrate almost all new commercial zoning in locations where traffic impacts can readily be accommodated, to avoid strip and disorganized patterns of commercial development, and to create focal points within the community. Mixed Use Activity Centers are intended to be mixed-use in character. Further, they are generally intended to be developed at a human-scale, to be pedestrian-oriented, and to be interconnected with abutting projects – whether commercial or residential. Street, pedestrian pathway and bike lane interconnections with abutting properties, where possible and practicable, are encouraged.”

Within the Mixed Use Activity Center Subdistrict, the FLUE states, “If such a project is located within the boundaries of a Mixed Use Activity Center which is within the Urban Residential Fringe Subdistrict, eligible density shall be as allowed by that Subdistrict.” Residential land uses in the Urban Residential Fringe Subdistrict may be allowed at a maximum base density of 1.5 units per gross acre, plus any density bonus that may be achieved up to 1.0 unit per gross acre via the transfer of up to one (1.0) dwelling unit (TDR, transferable development right) per acre from lands located within one mile of the Urban Boundary and designated as Rural Fringe Mixed Use District Sending Lands. This provision allows a maximum density of 2.5 DU/acre.

The maximum density as described above will only allow for 48 DUs (19.13ac * 2.5DU/a = 47.825 DUs). The applicant is requesting 265 multi-family dwelling units, which is contingent on this Growth Management Plan Amendment (GMPA). The GMPA is requesting text be added to allow 265 residential units (rental apartments only) within Hammock Park MPUD, yielding a density of 13.85 DU/A (265 DUs /19.13 A = 13.85 DU/A), and without use of TDR credits.

If this project was located on the west side of Collier Boulevard within the Mixed-Use Activity Center #7, it would be eligible for a maximum density of 16 DU/A, instead of 2.5 DU/A (using TDR credits). The applicant stated that the approved density of Hacienda Lakes PUD (as you move further east from the urbanized area and Collier Blvd.) serves as the transition from Urban to Agricultural/Rural area (the Urban Residential Fringe Subdistrict is intended as that transition – it is a 1-mile corridor along the east side of Collier Blvd., south of Beck Blvd.).

There are a wide range of uses approved in the area surrounding Hammock Park CPUD. The uses range from an MPUD to the north; a PUD/DRI to the east and south with a full gamut of retail and commercial uses; a PUD to the south that consists of a hospital and related uses; and a PUD to the west with residential, golf course and commercial development. The addition of residential use to the northeast quadrant of the Mixed-Use Activity Center within the Hammock Park CPUD is consistent with the concept of a true mixed use development, the FLUE’s intent for a Mixed Use Activity Center, and thus is not out of character with the surrounding area.

Compatibility can be more specifically addressed at time of zoning, and may include building height and size limitations, setback and buffer requirements, etc.
Environmental Impacts and Historical and Archaeological Impacts:

Craig Brown, Senior Environmental Specialist reviewed and approved the petition in December 2018. He noted the following: A PUD Ordinance #07-30 was approved. The property was 19.13 acres, 13.64 acres of wetland; 15% preserve was required or 1.63 acres; the property has been partially cleared. No EAC (Environmental Advisory Council) review is required; no changes to the Environmental Goals and Policies of the Conservation and Coastal Management Element.

Public Facilities Impacts:

Eric Fey, Senior Project Manager with Collier County Public Utilities Engineering & Project Management Division, completed his review and approved this petition (for potable water, sanitary sewer and solid waste) in May 2019.

Transportation Impacts:

Michael Sawyer, Project Manager with Collier County Transportation Planning, completed his review and approved this petition in February 2019.

Collier County Public Schools Impacts:

At this time there is existing or planned capacity within the next five years for the purposed development at the elementary, middle and high school levels. At the time of site plan or plat the development would be reviewed for concurrency to ensure there is capacity either within the concurrency service area the development is located within or adjacent concurrency service areas.

The petitioner states there are no significant or adverse impacts upon any of the public facilities (potable water, sanitary sewer, arterial and collector roads, drainage, solid waste, parks, schools, fire control and EMS) and staff concurs.

NEIGHBORHOOD INFORMATION MEETING (NIM) SYNOPSIS:

A Neighborhood Information Meeting (NIM), as required by Land Development Code (LDC) Section 10.03.05 A, was duly advertised, noticed, and held on June 19, 2019, 5:30 p.m. at South Regional Library, 8065 Lely Cultural Pkwy., Naples, FL 34113. This NIM was advertised, noticed, and held jointly for this large scale GMP amendment and the companion Planned Unit Development Amendment (PUDA) petition.

The applicant’s team gave a presentation and then responded to questions. Approximately 11 members of the public along with approximately 6 members of the applicant’s team and County staff signed in at the NIM. Commissioner Donna Fiala was also in attendance. Agent Alexis Crespo presented the project. The public asked questions about the project details. The consultant explained the PUDA application included reducing commercial square footage and adding a maximum of 265 multi-family market-rate rental dwelling units. There was no opposition expressed at the meeting. There were questions concerning the reduction in commercial equaling the number of residential trips – they will; will the housing be apartments or condominiums – apartments; will there be additional restaurants – probably due to the success on US41 at Collier Blvd. The consultants explained the trips generated from the project would not increase beyond the previously approved total number of trips, the pattern of travel times might be different. The meeting ended at approximately 6:30 p.m.

[synopsis prepared by Sue Faulkner, Principal Planner, Comprehensive Planning Section]
FINDING AND CONCLUSIONS:

- There are no adverse environmental impacts as a result of this petition.
- No historic or archaeological sites are affected by this amendment.
- It was determined there would be a net increase in the number of vehicular trips, but there are no Level of Service concerns.
- There are no utility-related concerns as a result of this petition.
- There are no concerns for impacts upon other public infrastructure.
- Adding the residential density of 13.85 DU/A is generally compatible with surrounding development, most of which is commercial.
- The proposed changes to the Mixed Use Activity Center #7 are consistent with the purpose of the FLUE’s Mixed Use Activity Center Subdistrict, including mixed use, high density, location at a major intersection, proximity to residential development.

LEGAL CONSIDERATIONS:

This Staff Report was reviewed by the County Attorney’s Office on August 15, 2019. The criteria for GMP amendments to the Future Land Use Element are in Sections 163.3177(1)(f) and 163.3177(6)(a)2, Florida Statutes. [HFAC]

STAFF RECOMMENDATION:

Staff recommends that the Collier County Planning Commission forward Petition PL20180002804/CP-2018-8 to the Board of County Commissioners with a recommendation to approve for transmittal to the Florida Department of Economic Opportunity and other agencies required by Statute, subject to replacing the petitioner’s added sentence with Staff’s rewrite:

Petitioner’s added sentence:
“Multi-family (apartment) uses shall also be permitted in the northeast quadrant within the Hammock Park MPUD and shall be limited to a total of up to 265 multi-family (apartment) dwelling units.”

Staff’s rewrite:

“The previously established residential density limits in the Mixed Use Activity Center Subdistrict notwithstanding, up to 265 multi-family rental apartments shall be allowed in the northeast quadrant within the Hammock Park MPUD.”
PREPARED BY:

SUE FAULKNER, PRINCIPAL PLANNER
COMPREHENSIVE PLANNING SECTION, ZONING DIVISION

DATE: 8-12-19

REVIEWED BY:

DATE: 8-12-19

DAVID WEEKS, AICP, GROWTH MANAGEMENT MANAGER
COMPREHENSIVE PLANNING SECTION, ZONING DIVISION

APPROVED BY:

JAMES FRENCH, DEPUTY DEPARTMENT HEAD
GROWTH MANAGEMENT DIVISION

DATE: 8-14-19

Petition Number: PL20180002804/CP-2018-8
Staff Report for September 5, 2019 CPCC meeting

NOTE: This petition has been scheduled for the October 22, 2019 BCC meeting.