EXECUTIVE SUMMARY

Recommendation to approve by Ordinance the St. Katherine’s Greek Orthodox Church, Inc. Small-Scale Amendment to the Orange Blossom Mixed Use Subdistrict of the Future Land Use Element of the Collier County Growth Management Plan, Ordinance 89-05, as Amended, and to Transmit to the Florida Department of Economic Opportunity. (Adoption Hearing) (PL20170003337/ CPSS-2017-2)

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

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

This petition seeks to amend the Orange Blossom Mixed Use Subdistrict in the Future Land Use Element (FLUE) and the Future Land Use Map (FLUM) Series of the Growth Management Plan (GMP), by amending:

1) FLUM inset map for Orange Blossom Mixed Use Subdistrict, and
2) the Urban – Mixed Use District to reflect amended Subdistrict provisions.

The map and text proposed for change by this amendment is depicted on Ordinance Exhibit A.

More specifically, the purpose of this small-scale amendment is to allow new or additional institutional church-related uses in addition to the 10,000 square feet (sq. ft.) of retail uses and 15,000 sq. ft. of office uses on that 4.52-acre part of the Subdistrict lying north of Orange Blossom Drive. Up to a maximum of 30,000 sq. ft. of these church-related uses are allowed only if they are ancillary to the church located adjacently north, lying outside of the Subdistrict.

Per Chapter 163.3187, Part II, Florida Statutes, limitations are in place for this type of small-scale amendment, as identified below, followed by staff comments [italicized in brackets].

(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 4.52-acre property.]

(b) 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 involves text changes that relate directly to site-specific Future Land Use Map changes.]

(c) 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. [The amendment preserves the internal consistency between and among GMP elements.]
FINDINGS AND CONCLUSIONS: Based on the review of this petition, including the supporting data and analysis, staff makes the following findings and conclusions. More analysis is provided in the Staff Report to the CCPC.

- The property is presently zoned Longview Center PUD and undeveloped.
- The subject property is undeveloped, and periodically mowed and used for parking during major church events.
- Church accessory uses would not directly facilitate population growth and would therefore have no impact on potable water facility or wastewater treatment system capacities.
- The proposed development is generally compatible with existing and allowed development on surrounding properties.
- This one-lot site is appropriate for the change, as a number of church-related uses are already allowed on the adjacent church site, the amendment allows for church-related uses that will be integral to the existing church on the adjacent church site, the amendment still allows commercial uses without requiring them, and the Subdistrict does not lose its mixed-use characteristics.
- A companion rezone petition has been submitted concurrent with this GMPA petition that will bring the church’s ancillary uses under the same Subdistrict provisions, and ensure a mixed-use project on the south side of Orange Blossom Drive, as originally intended.

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

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

LEGAL CONSIDERATIONS: This 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 County Resolution No. 1-234, 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.” 163.3177(1)(f), FS In addition, s. 163.3177(6)(a)2, FS 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 an affirmative vote of four for approval because this is an Adoption hearing of the GMP amendment.  [HFAC]

STAFF RECOMMENDATION TO THE COLLIER COUNTY PLANNING COMMISSION: That the CCPC forward petition PL20170003337/ CPSS-2017-2 to the Board with a recommendation to adopt and transmit this small-scale amendment to the Florida Department of Economic Opportunity.

COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION: The CCPC heard this petition at their October 31, 2019 meeting and voted 6-0 to forward petition PL20170003337/ CPSS-2017-2 to the Board with a recommendation to approve for adoption and transmittal to the Florida Department of Economic Opportunity. One public speaker expressed concerns about how stormwater outfall will be handled into Henderson Creek but that is more appropriate matter for consideration with the companion PUD amendment.

STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS: Same as to the CCPC – to adopt and transmit petition PL20170003337/ CPSS-2017-2 to the Florida Department of Economic Opportunity.

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