ORDINANCE NO. 2019-42

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NO. 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, SPECIFICALLY AMENDING THE ORANGE BLOSSOM MIXED USE SUBDISTRICT TO ALLOW 30,000 SQUARE FEET OF USES ANCILLARY TO A CHURCH IN ADDITION TO 15,000 SQUARE FEET OF RETAIL AND 10,000 SQUARE FEET OF OFFICE USES ON THE 4.52 ACRES NORTH OF ORANGE BLOSSOM DRIVE AND ESTABLISH LANDSCAPE BUFFER REQUIREMENTS. THE SUBJECT PROPERTY IS LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF AIRPORT PULLING ROAD AND ORANGE BLOSSOM DRIVE IN SECTION 1, TOWNSHIP 49 SOUTH, RANGE 25 EAST, CONSISTING OF 4.52 ACRES; AND FURTHERMORE, RECOMMENDING TRANSMITTAL OF THE ADOPTED AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. [PL20170003337]

WHEREAS, Collier County, pursuant to Section 163.3161, et. seq., Florida Statutes, the Florida Local Government Comprehensive Planning and Land Development Regulation Act, was required to prepare and adopt a comprehensive plan; and

WHEREAS, the Collier County Board of County Commissioners adopted the Collier County Growth Management Plan on January 10, 1989; and

WHEREAS, the Community Planning Act of 2011 provides authority for local governments to amend their respective comprehensive plans and outlines certain procedures to amend adopted comprehensive plans; and

WHEREAS, St. Katherine’s Greek Orthodox Church, Inc. requested an amendment to the Future Land Use Element to amend the Orange Blossom Mixed Use District; and

WHEREAS, pursuant to Subsection 163.3187(1), Florida Statutes, this amendment is considered a Small Scale Amendment; and

WHEREAS, the Subdistrict property is not located in an area of critical state concern or an area of critical economic concern; and

WHEREAS, the Collier County Planning Commission (CCPC) on October 17, 2019 and October 31, 2019 considered the proposed amendment to the Growth Management Plan and recommended approval of said amendment to the Board of County Commissioners; and

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Words underlined are added, words struck-through have been deleted.
WHEREAS, the Board of County Commissioners of Collier County did take action in the manner prescribed by law and held public hearings concerning the proposed adoption of the amendment to the Future Land Use Element and Future Land Use Map and Map Series of the Growth Management Plan on December 10, 2019; and

WHEREAS, all applicable substantive and procedural requirements of law have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: ADOPTION OF AMENDMENT TO THE GROWTH MANAGEMENT PLAN

The Board of County Commissioners hereby adopts this small scale amendment to the Future Land Use Element in accordance with Section 163.3184, Florida Statutes. The text amendment is attached hereto as Exhibit “A” and incorporated herein by reference.

SECTION TWO: SEVERABILITY.

If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE: EFFECTIVE DATE.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

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Words underlined are added, words struck through have been deleted.
PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this 10th day of December, 2019.

ATTEST
CRYSTAL J. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY:
William L. McDaniel, Jr., Chairman

Approved as to form and legality:

Heidi Ashton-Cicko,
Managing Assistant County Attorney

Attachment: Exhibit A – Proposed Text Amendment and inset map

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Words underlined are added, words struck through have been deleted.
EXHIBIT A
FUTURE LAND USE ELEMENT

FUTURE LAND USE DESIGNATION
DESCRIPTION SECTION

I. URBAN DESIGNATION

A. Urban Mixed Use District

8. Orange Blossom Mixed Use Subdistrict:
The Subdistrict contains a total of 14.74 acres. It is further divided into two parcels, one south of Orange Blossom Drive (totaling approximately 10.22 acres) and one north of Orange Blossom Drive (totaling approximately 4.52 acres). For purposes of distinction, the 4.52 acre parcel north of Orange Blossom Drive is designated as the North Tract and the 10.22 acres to the south is designated as the South Tract. The intent of this Subdistrict is to allow for limited small-scale retail, office, and residential uses while requiring that the project result in a true mixed use development, and, for the North Tract, to also allow for, as an alternative, institutional uses ancillary to the church located adjacent to the north. The Activity Centers to the north and south provide for large-scale commercial uses, while this Subdistrict will promote small-scale mixed use development with a pedestrian orientation to serve the homes, both existing and future, in the immediate area. This Subdistrict is intended to be a prototype for future mixed use nodes, providing residents with pedestrian scale development while also reducing existing trip lengths for small-scale commercial services. The Office and Infill Commercial Subdistrict is not applicable to any properties adjacent to this Subdistrict.

Allowable Commercial uses, for the purpose of this section, are limited to those uses allowed in the C-1, C-2, and C-3 zoning districts in the Land Development Code in effect as of the date of adoption of this Subdistrict (May 9, 2000), except as noted below. Allowable institutional uses on the North Tract are limited to those that are ancillary to the church located adjacent to the north, such as: classrooms for religious instruction and continuing education; church offices; a multi-purpose building with kitchen, meeting rooms, and indoor recreation facilities for church members; and community gardens.

The South Tract may be developed with a mixture of retail, office, and residential uses. The North Tract may be developed with institutional uses ancillary to the church located to the north, or a mixture of small-scale retail and office.

a. The development of this Subdistrict will be governed by the following criteria:

a-1. Rezoning is encouraged to be in the form of a PUD.

b-2. A unified planned development with a common architectural theme, which has shared parking and cross access agreements, will be developed.

c-3. Retail uses will be capped at a maximum of 5,000 sq. ft. per acre for the total project Subdistrict.
Office uses will be capped at a maximum of 7,000 sq. ft. per acre for the total project Subdistrict.

Residential development will be subject to the density rating system.

Maximum lot coverage for buildings is capped at 17.5% for the total project.

No more than 25% of the total built square footage will be devoted to single story buildings.

Primary entrances to all retail and commercial uses shall be designed for access from the interior of the site. Buildings fronting on Airport-Pulling Road and Orange Blossom Drive will provide secondary access facing those streets.

All four sides of each building must be finished in a common architectural theme.

A residential component equal to at least 25% of the allowable maximum base density under the density rating system must be constructed before the Subdistrict completes an aggregate total of 40,000 square feet of retail or office uses.

Residential units may be located both on the north and south sides of Orange Blossom Drive.

Integration of residential and office or retail uses in the same building is encouraged.

Pedestrian connections are encouraged to all perimeter properties where feasible and desired by adjoining property owners.

No building footprint will exceed 5,000 square feet. Common stairs, breezeways or elevators may join individual buildings.

No building shall exceed three (3) stories in height; any under building parking provided shall count towards this height limit.

Drive-through establishments, which must be architecturally integrated into the main building, will be limited to banks with no more than 3 lanes.

No gasoline service stations will be permitted.

All buildings will be connected with pedestrian features.

Twenty-foot wide landscape Type D buffers along Orange Blossom Drive and Airport Pulling Road and twenty-foot wide Type C buffer along all other perimeter property lines will be required.

Parking areas will be screened from Airport-Pulling Road and Orange Blossom Drive.

The North Tract is limited to the following maximums if it is developed with a mixture of small-scale retail and office:

(a) Retail uses will not exceed 10,000 square feet.

(b) Office uses will not exceed 15,000 square feet.

The Office and Infill Commercial Subdistrict is not applicable to any properties adjacent to this Subdistrict.
b. Notwithstanding a., above, if the North Tract is developed with institutional uses ancillary to the church located adjacent to the north, the following criteria will apply:

1. Rezoning is encouraged to be in the form of a PUD.
2. All four sides of each building must be finished in a common architectural theme.
3. Pedestrian connections are encouraged to all perimeter properties.
4. No building shall exceed three (3) stories in height, any under building parking provided shall count towards this height limit.
5. All buildings will be connected with pedestrian features.
6. Parking areas will be screened from Airport-Pulling Road and Orange Blossom Drive.
7. A ten-foot wide Type D landscape buffer along Orange Blossom Drive and twenty-foot Type D landscape buffer along Airport Pulling Road shall be provided.
8. Institutional uses ancillary to the church shall be limited to a maximum of 30,000 square feet of gross floor area.
9. Institutional uses ancillary to the church may be developed in one, one-story building.
10. Buildings must comply with the applicable architectural standards of the land development code; however, institutional uses ancillary to the church shall have a common architectural theme with the church located adjacent to the north.
11. No residential units are required to be constructed prior to the construction of institutional uses ancillary to the church.
December 12, 2019

Ms. Teresa L. Cannon, BMR Senior Clerk II
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3299 Tamiami Trail, Suite #401
Naples, Florida 34112-5324

Dear Ms. Cannon:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 19-42, which was filed in this office on December 12, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb