



STAFF REPORT

TO: COLLIER COUNTY PLANNING COMMISSION

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: JANUARY 18, 2018

SUBJECT: ORANGE BLOSSOM GARDENS PUD; PUDA-PL20170000524
COMPANION ITEM: SIENA LAKES (CPUD); PDI-PL20160003125

PROPERTY OWNER/APPLICANT/AGENT:

Owner/Applicant:

James Ketis, President
St Katherine Greek Orthodox Church, Inc.
7100 Airport Road North
Naples, FL 34109

Contract Purchaser:

Erickson Living Properties II, LLC
Sole Member of Siena Lakes LLC
701 Maiden Choice Lane
Baltimore MD 21228

Agent(s):

Robert J. Mulhere, FAICP
Hole Montes, Inc.
950 Encore Way
Naples, FL 34110

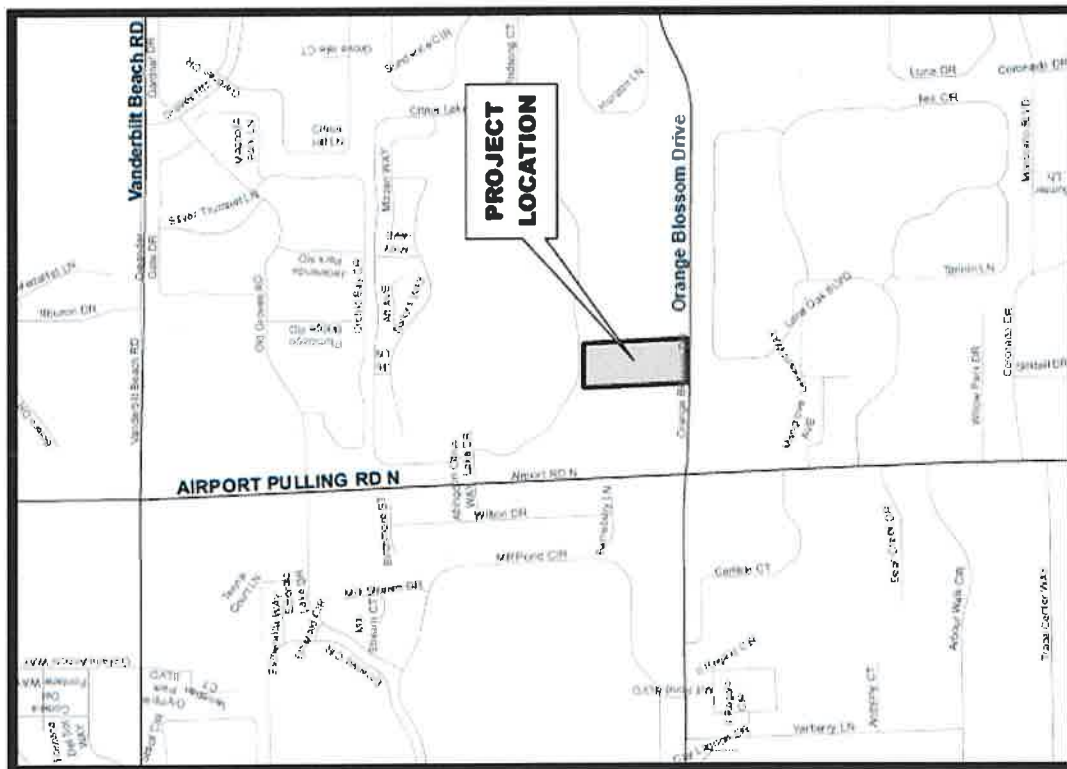
Richard D. Yovanovich, Esq.
Coleman, Yovanovich and Koester
4001 Tamiami Trail North
Naples, FL 34103

REQUESTED ACTION:

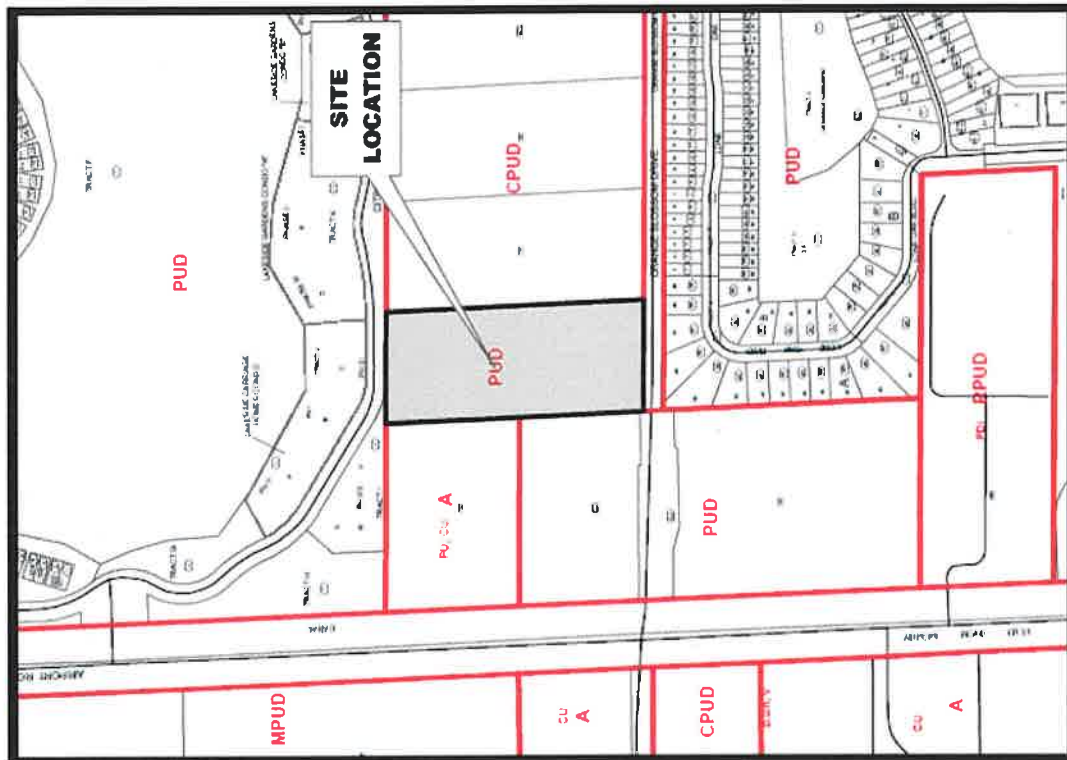
The petitioner seeks to amend Ordinance Number Ordinance No. 92-75, as amended, to revise the Orange Blossom Gardens Planned Unit Development (PUD), to add temporary principal uses for off-site sales, marketing, and administration for the Siena Lakes PUD, and to add principal uses accessory to St. Katherine's Greek Orthodox Church including administrative offices and classrooms ancillary to the church. The Amendment will also provide for development standards, amend the master plan, and provide for an effective date.

GEOGRAPHIC LOCATION:

The subject property consisting of 5.85 acres is located on the north side of Orange Blossom Drive approximately 1/10 of a mile east of Airport Pulling Road in Section 1, Township 49 South, Range 26 East, in Collier County, Florida. *(See location map on following page)*



Location Map



Zoning Map

PURPOSE/DESCRIPTION OF PROJECT:

BACKGROUND:

On January 15, 1985, the 11.7-acre Orange Blossom Gardens project was rezoned from Agricultural zoning district to the Planned Unit Development zoning district to allow a maximum of 84 multi-family residential units at a gross density of 7.2 dwelling units per acre (DU/A). On October 19, 1992, the Board of County Commissioners (BCC) approved Ordinance No. 92-75 for the Orange Blossom Gardens PUD, which reduced the maximum density to a 40-unit multi-family residential development and reduced the density to 3.42 (DU/A). On December 1, 2009, the Board of County Commissioners approved Ordinance No. 09-67 removing 5.85 acres from the project.

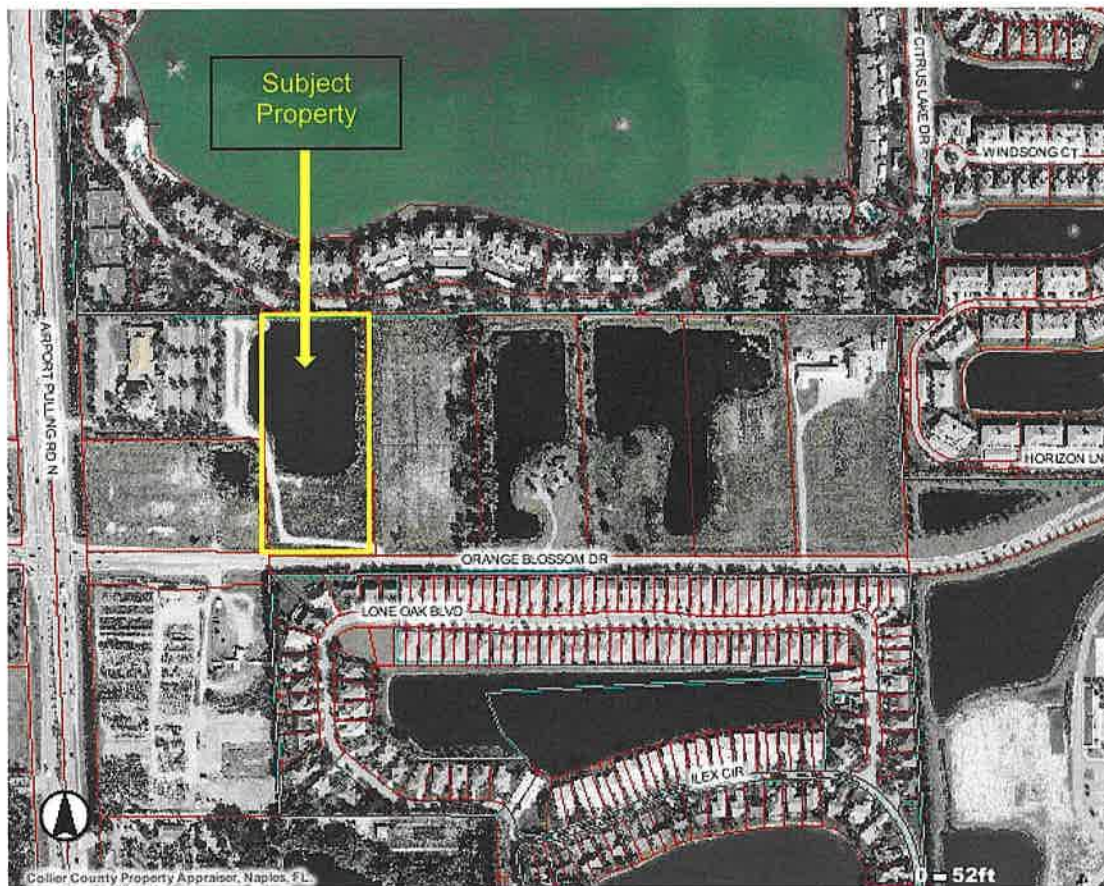
CURRENT REQUEST:

This application has been submitted, per the applicant's agents narrative statement (letter dated October 2, 2017), to accomplish the following:

The applicant proposes to construct an off-site sales, marketing, and administration facility for Siena Lakes CPUD on the subject site, and is providing a revised PUD Master Plan and development standards to accompany this request. The applicant is also adding the option to allow uses ancillary to the adjacent St. Katherine Greek Orthodox church, limited to administrative offices and/or classrooms. The maximum building height of the off-site sales and marketing facility or uses ancillary to the church would be 53 feet (zoned).

SURROUNDING LAND USE AND ZONING:

- North: Multi-family residences of the Lakeside community, with a zoning designation of Citrus Gardens PUD approved at a density of 4 units per acre (upa)
- East: The undeveloped Siena Lakes project, with a zoning designation of CPUD (The subject property of the companion request.)
- South: Orange Blossom Drive, then a mixture of housing types in the 95.5-acre Walden Oaks community, with a zoning designation of Lone Oak PUD that was approved at 6.32 upa
- West: St. Katherine's Greek Orthodox Church, with a Conditional Use for a Church in the Agricultural zoning district; and the northerly 4.15 acre portion of an undeveloped 14.73-acre tract with a zoning designation of Longview Center PUD. This northly portion of Longview Center PUD is also owned by the church. (A Pre-application meeting was held on 10/11/17 seeking an amendment to this PUD to allow ancillary church uses on the northly portion in Petition No. PUDA- PL20170003322.)



aerial photo from the Property Appraiser's website

GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

Future Land Use Element (FLUE): The subject property is designated Urban, Urban Mixed-Use District, Urban Residential Subdistrict as depicted on the Future Land Use Map (FLUM) of the GMP. This District is intended to accommodate a variety of residential and non-residential uses, including Planned Unit Developments. Within this designation, and in accordance with the Density Rating System of the FLUE, a base density of four units per acre is allowed. The Orange Blossom Gardens PUD (via Ordinance No. 09-67) was approved for a maximum of 20 dwelling units which is a density of 3.42 DU/A (20 DUs per 5.85 acres provides 3.42 DU/A). Please refer to Attachment A for the full October 27, 2017 Comprehensive Planning staff memo.

Conservation and Coastal Management Element: Environmental staff has evaluated the proposed changes to the PUD Documents. The petition is consistent with the applicable provisions of the Conservation and Coastal Management Element (CCME) of the GMP.

Transportation Element: In evaluating this project, staff reviewed the applicant's Traffic Impact Statement (TIS) for consistency with Policy 5.1 of the Transportation Element of the GMP using the 2016 Annual Update and Inventory Reports (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.

The proposed PUD on the subject property was reviewed based on the applicable 2016 AUIR Inventory Report. The TIS submitted in the application indicates that the proposed development will generate approximately eight net, new PM peak hour two-way trips, on the adjacent roadway segments, which represents a net reduction of approximately two PM peak hour two-way trips when compared to the currently approved PUD. The proposed development will impact the following roadway segments with the listed capacities:

Roadway	Link	2016 AUIR Existing LOS	Current Peak Hour Peak Direction Service Volume/Peak Direction	2016 AUIR Remaining Capacity	2017 AUIR Remaining Capacity
Orange Blossom Drive	Airport Pulling Road to Livingston Road	C	1,000/West	400	420
Airport Pulling Road	Orange Blossom Drive to Vanderbilt Beach Road	C	3,000/North	915	960
Airport Pulling Road	Orange Blossom Drive to Pine Ridge Road	C	3,000/North	942	1,046

Based on the 2016 AUIR, the adjacent roadway network has sufficient capacity to accommodate the proposed trips for the project within the 5-year planning period. Staff also reviewed the recently adopted 2017 AUIR finding that there remains sufficient capacity to accommodate the proposed project within the 5-year planning period. Therefore, the subject rezoning can be found consistent with Policy 5.1 of the Transportation Element of the GMP.

GMP Conclusion: The GMP is the prevailing document to support land use decisions such as this

proposed amendment. Staff is required to make a recommendation regarding a finding of consistency or inconsistency with the overall GMP as part of the recommendation for approval, approval with conditions, or denial of any amendment petition. A finding of consistency with the FLUE and FLUM designations is a portion of the overall finding that is required, and staff believes the petition is consistent with the FLUM and the FLUE as indicated previously in the GMP discussion. The proposed rezone is consistent with the GMP Transportation Element as previously discussed. Environmental staff also recommends that the petition be found consistent with the CCME. Therefore, zoning staff recommends that the petition be found consistent with the goals, objective and policies of the overall GMP.

STAFF ANALYSIS:

Staff has completed a comprehensive evaluation of this land use petition including the criteria upon which a recommendation must be based, specifically noted in LDC Subsection 10.02.13 B.5, *Planning Commission Hearing and Recommendation* (commonly referred to as the “PUD Findings”), and Subsection, 10.02.08 F., *Nature of Requirements of Planning Commission Report* (referred to as “Rezone Findings”), which establish the legal basis to support the CCPC’s recommendation. The CCPC uses these same criteria as the basis for their recommendation to the BCC, who in turn use the criteria to support their action on the rezoning request. An evaluation relative to these subsections is discussed below, under the heading “Zoning Review.” In addition, staff offers the following analysis.

Environmental Review: Environmental Services staff has reviewed the petition to address any environmental concerns. The proposed changes do not affect any of the environmental requirements of the GMP or LDC. An EAC review is not required in accordance with Section 2-1193 of the Collier County Codes of Laws and Ordinances.

Transportation Review: Transportation Department staff has reviewed the petition and has provided GMP comments as well as PUD and Rezone Findings in support of the application.

Landscape Review: In reviewing the landscape element, staff has no issues with the deviation from LDC Section 4.06.00 and is recommending approval. The deviation that the applicant is requesting from LDC Section 4.06.00 is justified. The applicant is seeking a deviation to provide no buffer where stormwater lakes cross property boundaries. The PUD contains conditions to allow for shared stormwater lakes across property boundaries which would eliminate any plantable area on that perimeter of the Orange Blossom Gardens PUD. These lakes will create a unified design among the adjacent properties and provide a visual amenity.

Zoning Review: As previously stated, this PUD Rezone Amendment will allow for the development of a temporary off-site sales, marketing, and administration facility for the neighboring development, Siena Lakes CPUD. The amendment will allow ancillary principal uses (limited to administrative offices and/or classrooms) to serve the adjacent St. Katherine Greek Orthodox Church. The maximum building height of the off-site sales and marketing facility or uses ancillary to the church would be 53 feet (zoned). No changes are proposed to the previously approved property development regulations for any of the previously approved uses.

As depicted on pages 2, 3 and 4 in the Site and Location Maps, the “Surrounding Land Use and Zoning” and the aerial photo in this staff report, the land to the north is within the Citrus Gardens PUD, a 93.6-acre project approved at a density of 4 (DU/A). To the east, is the undeveloped Siena

Lakes CPUD, which is the subject of a companion request for an amendment to that site's zoning to retain the existing total number of permitted residential units, but revises the ratio of permitted residential units by increasing the number of independent living units, increasing the number of assisted living beds. Also proposed is a decrease in the number of skilled nursing beds and memory care beds and a revision to the Master Plan to change the number of buildings, the entrance location, and the site, lake and building configurations. To the south, across from Orange Blossom Drive, is the 95.5-acre Walden Oaks residential development. This project was approved as the Lone Oaks PUD for a mixture of residential building types at a density of 6.32 (DU/A). To the west, is St Katherine's Greek Orthodox Church. The church is zoned Agricultural with a Conditional Use approval to allow a church. Farther west is the northerly 4.15 acre portion of an undeveloped 14.73-acre tract with a zoning designation of Longview Center PUD. This northly portion of Longview Center PUD is also owned by the church. A Pre-application meeting was held on October 11, 2017 for the Orange Blossom Gardens PUD seeking an amendment to allow ancillary church uses on the northly portion in Petition No. PUDA- PL20170003322.

The petition is requesting one deviation as part of this amendment also. Deviation #1 would eliminate the buffer requirement where this site shares water management lakes with neighboring properties. The changes proposed by the subject amendment should not alter the fact that the original rezone petition for Orange Blossom Gardens was determined to be compatible with the surrounding neighborhood.

PUD FINDINGS:

LDC Section 10.02.13.B.5 states that, "In support of its recommendation, the CCPC shall make findings as to the PUD Master Plan's compliance with the following criteria in addition to the findings in LDC Section 10.02.08."

- 1. The suitability of the area for the type and pattern of development proposed in relation to physical characteristics of the land, surrounding areas, traffic and access, drainage, sewer, water, and other utilities.**

Staff has reviewed the proposed amendment and believes the uses, as limited by the property development regulations, are compatible with the development approved in the area. The commitments made by the applicant should provide adequate assurances that the proposed change should not adversely affect living conditions in the area.

In addition, as limited above, the proposed property development regulations provide adequate assurances that the proposed project will be suitable to the type and pattern of development in the area. Staff has evaluated this amendment request and found the area suitable based upon the proposed availability of infrastructure such as access, drainage, sewer, water and other utilities, and services.

- 2. Adequacy of evidence of unified control and suitability of any proposed agreements, contracts, or other instruments, or for amendments in those proposed, particularly as they may relate to arrangements or provisions to be made for the continuing operation and maintenance of such areas and facilities that are not to be provided or maintained at public expense.**

Documents submitted with the application, which were reviewed by the County Attorney's Office, demonstrate unified control of the property. Additionally, the development will be required to obtain platting and site development approval. Both processes will ensure that appropriate stipulations for the provision of and continuing operation and maintenance of infrastructure will be provided by the developer.

3. Conformity of the proposed Planned Unit Development with the goals, objectives, and policies of the [GMP].

County staff has reviewed this petition and has offered an analysis of the relevant goals, objectives and policies of the GMP within the GMP discussion of this staff report. Based on that analysis, staff believes this petition can be found consistent with the overall GMP.

4. The internal and external compatibility of proposed uses, which conditions may include restrictions on location of improvements, restrictions on design, and buffering and screening requirements.

As described in the various sections of this staff report, staff is of the opinion that the proposed uses, development standards, and developer commitments will help ensure that this project is compatible both internally and externally.

5. The adequacy of usable open space areas in existence and as proposed to serve the development.

The applicant has not sought any deviations from open space standards. The amount of open space set aside for this project meets the minimum requirement of the LDC.

6. The timing or sequence of development for the purpose of assuring the adequacy of available improvements and facilities, both public and private.

Transportation Staff has evaluated this petition and offers the following comments: The roadway infrastructure is sufficient to serve the proposed project, as noted in the Transportation Element consistency review. Operational impacts will be addressed at time of first development order (SDP or Plat), at which time a new TIS will be required to demonstrate turning movements for all site access points. Finally, the project's development must comply with all other applicable concurrency management regulations when development approvals, including but not limited to any plats and or site development plans, are sought.

7. The ability of the subject property and of surrounding areas to accommodate expansion.

The area has adequate supporting infrastructure such as wastewater disposal systems and potable water supplies to accommodate this project based upon the commitments made by the petitioner and the fact that adequate public facilities requirements will be addressed when development approvals are sought.

8. Conformity with PUD regulations, or as to desirable modifications of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes to a degree at least equivalent to literal application of such regulations.

The petitioner is seeking one deviation requiring an evaluation to the extent to which development standards and deviations proposed for this PUD depart from development standards that would be required for the most similar conventional zoning district. The deviation requested by the petitioner is itemized and analyzed in the *Deviation Discussion* section of this staff report on page 13.

REZONE FINDINGS:

LDC Subsection 10.02.08 F. states, "When pertaining to the rezoning of land, the report and recommendations to the planning commission to the Board of County Commissioners...shall show that the planning commission has studied and considered proposed change in relation to the following when applicable."

1. Whether the proposed change will be consistent with the goals, objectives, & policies of the Future Land Use Map and the elements of the GMP.

The Comprehensive Planning staff has provided an in-depth analysis of the GMP FLUE and FLUM provisions; zoning analysis provides an in-depth review of the proposed amendment. The petition can also be deemed consistent with the CCME and the Transportation Element based upon the review provided by the reviewers responsible for that task. Therefore, staff recommends that this petition be deemed consistent with the GMP.

2. The existing land use pattern.

Staff has described the existing land use pattern in the "Surrounding Land Use and Zoning" portion of this report and in the zoning review analysis. Staff believes the proposed amendment is appropriate given the existing land use pattern, and development restrictions included in the PUD Ordinance.

3. The possible creation of an isolated district unrelated to adjacent and nearby districts.

The proposed PUD Amendment would not create an isolated zoning district because the property is already zoned PUD; no rezoning action is proposed as part of this petition.

4. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Staff is of the opinion that the district boundaries are logically drawn given the current property ownership boundaries follow PUD zoning.

5. Whether changed or changing conditions make the passage of the proposed rezoning necessary.

The proposed amendment is not necessary; but it is being requested in compliance with the LDC provisions to seek changes. The rezone and amendment to the existing PUD will allow the owner the opportunity to develop the land in a manner other than what the existing zoning district would allow. Without this amendment, the property could be developed in compliance with the existing PUD ordinance regulations.

6 Whether the proposed change will adversely influence living conditions in the neighborhood.

Staff is of the opinion that the proposed petition, subject to the proposed list of uses and property development regulations and the proposed Development Commitments detailed in the PUD document, is consistent with the County's land use policies that are reflected by the Future Land Use Element (FLUE) of the GMP. Therefore, the proposed change should not adversely impact living conditions in the area.

7. Whether the proposed change will create or excessively increase traffic congestion or create types of traffic deemed incompatible with surrounding land uses, because of peak volumes or projected types of vehicular traffic, including activity during construction phases of the development, or otherwise affect public safety.

The roadway infrastructure has sufficient capacity to serve the proposed project at this time. The project is subject to the Transportation Commitments contained in the PUD Ordinance.

8. Whether the proposed change will create a drainage problem.

The proposed change should not create drainage or surface water problems because the LDC specifically addresses prerequisite development standards that are designed to reduce the risk of flooding on nearby properties. Additionally, the LDC and GMP have other specific regulations in place that will ensure review for drainage on new developments.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

If this petition is approved, any subsequent development would need to comply with the applicable LDC standards for development or as outlined in the PUD Document. This project's property development regulations provide adequate setbacks and distances between structures; therefore, the project should not significantly reduce light and air to adjacent areas.

10. Whether the proposed change will adversely affect property values in the adjacent area.

This is a subjective determination based upon anticipated results, which may be internal or external to the subject property. Property valuation is affected by a host of factors including zoning; however, zoning by itself may or may not affect values, since value determination is driven by market value. There is no guarantee that the project will be marketed in a manner comparable to the surrounding developments.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

The proposed changes in this petition are not anticipated to be a deterrent to the improvement or development of adjacent property.

12. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasting with the public welfare.

The proposed development complies with the GMP, which is a public policy statement supporting zoning actions when they are consistent with said Comprehensive Plan. In light of this fact, the proposed change does not constitute a grant of special privilege. Consistency with the FLUE is further determined to be a public welfare relationship because actions consistent with plans are in the public interest.

13. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

The petitioner is seeking this amendment in compliance with LDC provisions for such action. The petition can be evaluated and action taken as deemed appropriate through the public hearing process. Staff believes the proposed amendment meets the intent of the PUD district regulations, and further, believes the public interest will be maintained.

14. Whether the change suggested is out of scale with the needs of the neighborhood or the County.

The GMP is a policy statement which has evaluated the scale, density and intensity of land uses deemed to be acceptable throughout the urban-designated areas of Collier County. Staff is of the opinion that the development standards and the developer commitments will ensure that the project is not out of scale with the needs of the community.

15. Whether is it impossible to find other adequate sites in the County for the proposed use in districts already permitting such use.

There may be other sites in the County that could accommodate the uses proposed; however, this is not the sole determining factor when evaluating the appropriateness of a particular zoning petition. The petition was reviewed on its own merit for compliance with the GMP and the LDC. The proposed amendment is consistent with the GMP as discussed in other portions of the staff report.

16. The physical characteristics of the property and the degree of site alteration, which would be required to make the property usable for any of the range of potential uses under the proposed zoning classification.

Any development anticipated by the PUD Document would require considerable site alteration and this project will undergo extensive evaluation relative to all federal, state, and local development regulations during the site development plan or platting approval process and again later as part of the building permit process.

17. The impact of development on the availability of adequate public facilities and services consistent with the levels of service adopted in the Collier County Growth Management Plan and as defined and implemented through the Collier County Adequate Public Facilities Ordinance, as amended.

The project will have to meet all applicable criteria set forth in LDC Section 6.02.00 regarding Adequate Public Facilities and the project will need to be consistent with all applicable goals and objectives of the GMP regarding adequate public facilities, except as it may be exempt by federal regulations. This petition has been reviewed by county staff that is responsible for jurisdictional

elements of the GMP as part of the amendment process and those staff persons have concluded that no Level of Service will be adversely impacted with the commitments contained in the PUD Document.

18. Such other factors, standards, or criteria that the Board of County Commissioners shall deem important in the protection of the public health, safety, and welfare.

To be determined by the BCC during its advertised public hearing.

DEVIATION DISCUSSION:

The petitioner is seeking one deviation from the requirements of the LDC. The deviation is directly extracted from PUD Exhibit D. The petitioner's rationale and staff analysis/recommendation is outlined below.

Deviation #1

"Deviation 1 requests relief from LDC Section 4.06.02, Table 2.4 Table of Buffer Requirements by Land Use Classifications, to allow no perimeter landscape buffer where shared stormwater lakes exist with adjacent properties."

Petitioner's Justification:

The PUD contains conditions that would allow for shared stormwater lakes, across property boundaries, between the Orange Blossom Gardens PUD and the St. Katherine's Greek Church property, and/or between Orange Blossom Gardens PUD and Longview PUD (see Sections 4.9 and 4.10 of the PUD). The applicant is requesting that no perimeter landscape buffers be required in the event stormwater lakes are designed to cross property boundaries. The lakes will provide separation and visual relief between uses. The design of these three properties that would allow for and necessitate shared stormwater lakes is a unified, cohesive site design, providing vehicular and pedestrian interconnection among the properties. The interconnected lakes would cross the western property boundary, and would not be visible to the traveling public along Orange Blossom Drive to the south or along the public access easement within Siena Lakes CPUD to the east.

Staff Analysis and Recommendation: Landscaping Review staff has analyzed this request and sees no detrimental effect if this deviation request is accommodated.

Zoning and Land Development Review staff recommends APPROVAL, finding that, in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the element may be waived without a detrimental effect on the health, safety and welfare of the community" and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations."

NEIGHBORHOOD INFORMATION MEETING (NIM):

The applicant conducted two duly advertised NIMs for this petition. The first meeting was held on May 23, 2017. The second NIM was held on October 17, 2017. The second meeting was determined to be required, because the applicant amended the application to also seek church uses in the PUD. As noted in the attached synopses, the same issues were raised at both meetings. There

was a discussion about the proposed access that is part of the Siena Lakes PUD but not part of this PUD. Also discussed were the proposed building design, construction noise, and water management. No commitments were made during the NIMs.

COUNTY ATTORNEY OFFICE REVIEW:

This Staff Report was reviewed by the County Attorney's office on December 8, 2017.

RECOMMENDATION:

Staff recommends that the Collier County Planning Commission (CCPC) forward Petition PUDZ-PL2017-0000524 to the Board of County Commissioners (BCC) with a recommendation of approval.

Attachments: A. Comprehensive Planning Memo, dated 10/27/17
B. NIM Synopses
C. Proposed Ordinance
B. Application

PREPARED BY:


KAY DESELEM, AICP, PRINCIPAL PLANNER
ZONING DIVISION – ZONING SERVICES SECTION

12/4/17
DATE

REVIEWED BY:


RAYMOND V. BELLOWES, ZONING MANAGER
ZONING DIVISION – ZONING SERVICES SECTION

12.5.17
DATE


MICHAEL BOSI, AICP, DIRECTOR
ZONING DIVISION

12-11-17
DATE

APPROVED BY:


JAMES FRENCH, DEPUTY DEPARTMENT
GROWTH MANAGEMENT DEPARTMENT

12-21-17
DATE

Tentatively scheduled for the February 27, 2018 Board of County Commissioners Meeting