



## AGENDA MEMORANDUM

*Planning Department*

Regular Meeting Date: December 16, 2020

**To:** City Council  
**From:** Leslee Dulmer, Planner II  
**Date:** November 19, 2020

Legislative  Quasi-Judicial

### **SUBJECT:**

First Reading of the following:

1. An Ordinance determining a small scale amendment to the Future Land Use Map of the Comprehensive Plan to change the Future Land Use Designation of 2195 13<sup>th</sup> Street North and a portion of the tennis courts and parking area located with the Naples High School property at 1100 Golden Eagle Circle from Low Density Residential to Institutional – Public, Semi-Public.
2. An Ordinance determining Rezone Petition 20-R2 to rezone the property located at 2195 13<sup>th</sup> Street North from R1-7.5 Single Family Residence District to PS Public Service District.

Discussion of the following:

3. A Resolution determining Conditional Use Petition 20-CU10 pursuant to Section 46-34 and Section 58-833 of the Land Development Code to allow an accessory educational facility for the property located at 2195 13<sup>th</sup> Street North.

### **SUMMARY:**

City Council is asked to consider, for first reading, two companion petitions; first, an ordinance determining a small scale amendment to the Future Land Use map of the Comprehensive Plan to change the Future Land Use designation of 2195 13<sup>th</sup> Street North and a portion of the tennis courts and parking area located within the Naples High School property, and second, an ordinance determining a rezone petition to rezone the property located at 2195 13<sup>th</sup> Street North from R1-7.5 Single Family Residence District to PS Public Service District.

The third, and final, accompanying petition, 20-CU10, is a request to allow an accessory educational facility for the property located 2195 13<sup>th</sup> Street North. This item is for discussion only and final action on this petition is scheduled for the January 20, 2021 Council meeting.

In that this is a quasi-judicial item, the swearing in of those giving testimony will be required.

*Ethics above all else... Service to others before self... Quality in all that we do.*

**BACKGROUND:**

The District School Board of Collier County intends to purchase a residential lot adjacent to Naples High School, located at 2195 13<sup>th</sup> Street North, measuring approximately 0.25 acres and containing a single-family home, in order to use it for an exceptional student education program. This requires that: the property be rezoned for public service use; the future land use designation is changed to be consistent with the rezoning; and that a conditional use approval be approved to establish the use on this parcel. In the review of this request, it was discovered that a portion of the school district property, currently occupied by the Naples High School tennis courts, also has an inconsistent future land use designation. Changing that designation is part of the small scale map amendment.

The subject property consists of two parcels. Parcel A, as identified on the aerial, is located at 2195 13<sup>th</sup> Street North and is owned by joint tenants Rose Ann Torbio, Lisa Fulton, Tracy Torbio, Derek Torbio. Parcel B, as identified on the aerial, is the northern most portion of the parking lot and tennis courts further bounded by 13<sup>th</sup> Street North to the west, 22<sup>nd</sup> Avenue South to the north and Goodlette- Frank Road North to the east, and is owned by the District School Board of Collier County. The petitioners are requesting City Council consideration of three companion petitions to amend the future land use designation for Parcels A and B, to change the zoning of Parcel A, and to obtain conditional use approval to allow an accessory educational facility on Parcel A.

According to the petitioner, *“As part of the CCPS’s broader Exceptional Student Education program, the Property will serve as a critical component to implementing the Individualized Education Plan for special education services.”* The intention is to use the existing single family home with its immediate proximity to Naples High School as an accessory educational facility for life skills development for special needs high school students.

In order to accommodate the proposed use of Parcel A as described above, the petitioner is requesting approval for the following:

1. An amendment to the Future Land Use Map to expand the Institutional – Public, Semi-Public, boundary to include Parcel A; and
2. Rezoning of Parcel A from R1-7.5, which limits permitted and conditional uses to those residential in nature, to PS Public Service; and
3. Conditional Use approval, pursuant to Section 58-833(7) of the Land Development Code which includes Schools and Colleges as conditional uses, for an accessory educational facility on Parcel A.

Additionally, the petitioner is requesting approval to expand the Future Land Use Map to include Parcel B, an approximately 1.54 acres portion of the Naples High School campus developed with surface parking and tennis courts, in the Institutional – Public, Semi-Public category, pursuant to Florida Statute 163.3194(b) to resolve an inconsistency between the Future Land Use designation and the existing zoning.

**File Reference:** 20-CPA1, 20-R2, and 20-CU10  
**Petitioner:** Rose Ann Torbio, Lisa Fulton, Tracy Torbio, Derek Torbio, joint tenants;  
and the District School Board of Collier County  
**Agent:** Coleman, Yovanovich & Koester, P.A.

**Location:** 2195 13<sup>th</sup> Street North and 1100 Golden Eagle Circle

The Planning Advisory Board reviewed petition 20-CPA1 on November 13, 2020 and voted 7 to 0 to recommend approval.

The Planning Advisory Board reviewed petition 20-R2 on November 13, 2020 and voted 7 to 0 to recommend approval.

The Planning Advisory Board reviewed petition 20-CU10 on November 13, 2020 and, after a discussion regarding potential conditions of approval, voted 6 to 1 to recommend approval subject to the following conditions:

1. Approval is limited to the existing residential structure on the subject property. Should the existing residential structure be replaced, any new structures must comply with the R1-7.5 development standards pursuant to Chapter 58, Article II, Division 8 of the Land Development Code.
2. Any outdoor use of the subject property will be limited to instructional activities and will not be recreational.
3. The function and use of the subject property will comply with the document provided by the petitioner labeled 'Schedule 1' and attached to the Resolution as Exhibit B.

**PUBLIC NOTICE:**

On October 13, 2020 a total of 48 letters were mailed to all owners of property within 500 feet of the subject property. Staff received two letters in support of the request. These letters have been provided for Council review.

**RETURN ON VISION:**

The review and consideration of the proposed small scale map amendment (20-CPA1), rezoning (20-R2) and most importantly the conditional use (20-CU10) to provide an accessory educational facility at Naples High School for life skills development for special needs students is consistent with the core goal of preserving the Town's distinctive character and culture through maintaining an extraordinary quality of life for residents.

**RECOMMENDED ACTION:**

1. City Council approve on first reading the Ordinance approving small scale amendment to the Future Land Use Map of the Comprehensive Plan to change the Future Land Use Designation of 2195 13<sup>th</sup> Street North and a portion of the tennis courts and parking area located with the Naples High School property at 1100 Golden Eagle Circle from Low Density Residential to Institutional – Public, Semi-Public; and schedule a Public Hearing and Second Reading for January 20, 2021.
2. City Council approve on first reading the Ordinance approving Rezone Petition 20-R2 to rezone the property located at 2195 13<sup>th</sup> Street North from R1-7.5 Single Family Residence District to PS Public Service District; and schedule a Public Hearing and Second Reading for January 20, 2021.