

**PINE AIR LAKES DRI COLLIER COUNTY  
NOTICE OF PROPOSED CHANGE**

**Background**

On November 12, 1985, the Collier County, Board of County Commissioners approved the Pine Air Lakes Development Order (DO) (DO #85-5). Originally, approved as multiuse project containing hotel, retail, office and institutional uses totally 1,280,600 sq. ft. The last county DO amendment was approved on March 13, 2007 in Resolution 07-63/DO #07-01, which was reviewed as a substantial deviation application. The DRI has current approval for 1,000,000 sq. ft. of Regional Commercial Retail, and 75,000 sq. ft. of office, with a conversion rate of up to 50,000 sq. ft. for both uses. Based on the 2016 monitoring report there is 787,158 sq. ft. of retail and 29,489 sq. ft. of office constructed on the site. The current buildout was October 14, 2010. The project is located just north of the intersection of Airport-Pulling Road and Pine Ridge Road, in the North Naples area of Collier County (see Attachment I, Location Map).

**Previous Changes**

1. Resolution 86-63, April 15, 1986: to address an appeal of the DO; and the appeal had the effect of extending the buildout date from November 12, 1995 to April 15, 1996.
2. Resolution 94-349/DO 94-2, May 10, 1994: to: (1) revise the buildout/termination date to be 14 years and 6 months from the date the DO was effective (from April 15, 1986); and (2) to state that the project buildout date shall be the same date as the DO termination date, that is October 15, 2000.
3. Resolution 2003/DO 2004-02, September 28, 2004: to revise the buildout/termination date to state "This DO's termination date and the project buildout date shall be the same date which is October 14, 2005.
4. Resolution Number 2007-63/DO 2007-01 - Substantial Deviation Amendment, March 13, 2007: to establish October 14, 2010, as the project buildout/termination date.

**Proposed Changes**

In January 2017 a notice of proposed change (NOPC) was submitted by Daniel Aronoff of Land Management Services Associates LLC to extend the DO's termination and the project build-out date (which are the same date) by one day less than FIVE (5) years, to December 28, 2023, and change the name of the Developer to "Land Management Services Associates LLC". Below is the time line for the various extensions.

	<u>Buildout</u>	<u>Expiration</u>
Original Date - DO 85-5		11/12/1995
Resolution No. 86-63		11/15/1996
DO 94-2	10/15/2000	10/15/2000
DO 04-02	10/14/2005	10/14/2005
DO 07-01	10/14/2010	10/14/2010
2007 Extension - 3 years 380.06(19)(c), F.S.	10/14/2013	10/14/2013
2009 Extension - 2 years Senate Bill 360	10/14/2013	10/14/2013
Governor Emergency Extension TS Debby & TS Isaac - 149 days tolled plus 12 mo. extension 252.363, F.S.	3/12/2017	3/12/2017
Governor Emergency Extension Zika Virus and Hurricane Matthew - 292 days tolled plus 12 mo. extension 252.363, F.S.	12/29/2018	12/29/2018
Proposed 4 years 364 days	12/28/2023	12/28/2023

### **Staff Analysis**

The NOPC seeks a number of extensions based on “tolling” for the last recession and various disaster declarations. Tolling for DRIs relates to “any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time” (Chapter 380.06(19)(c)2 F.S.).

The last amended DO 2007-01 was the result of a substantial deviation application that provided a cumulative analysis of impacts. Therefore, according to SWFRPC and State policy once a full reanalysis is performed the project can start over for extension date purposes to zero. As a result, this less than five-year extension according to Chapter 380.06(19)(c) F.S. is considered not a substantial deviation.

### **Character, Magnitude and Location**

The character, magnitude and location will not change associated with this change in buildout.

### **Regional Resources and Facilities Impacts**

No additional regional impacts to resources or facilities will occur from the extensions since most of the regional conditions of the DO have been met for buildout of the project. Furthermore, because this extension is for less than five-year it is considered not a substantial deviation according to Chapter 380.06(19)(c) F.S.

### **Potential Multi-Jurisdictional Issues**

No new multi-jurisdictional issues will occur from this change not previously reviewed by the SWFRPC.

### **Need for Reassessment of the DRI**

Because this less than five-year extension is considered not a substantial deviation according to Chapter 380.06(19)(c) F.S. we are precluded from seeking a reassessment of the DRI, unless the local government needs to reassessment the project impacts for some specific reason.

### **Acceptable of the Proposed Development Order Amendment Language**

The draft development order language provided with the NOPC is acceptable to address the change proposed to extend the termination and buildout date.

- RECOMMENDED ACTIONS:**
1. Notify Collier County, the Florida Department of Community Affairs, and the applicant of the Southwest Florida Regional Planning Council determination that the proposed change does not create additional regional impacts.
  2. Request Collier County provide a copy of the proposed Development Order and any related materials to the Council in order to ensure that the Development Order is consistent with the Notice of Proposed Change.

April 20, 2017