ORDINANCE NO. 2018-_

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 FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP AND MAP SERIES BY ADDING THE MINI-TRIANGLE MIXED USE SUBDISTRICT TO ALLOW CONSTRUCTION OF UP TO, WITH A MIX TO BE DETERMINED BY MAXIMUM ALLOWABLE TRAFFIC GENERATION, 377 MULTI-FAMILY DWELLING UNITS, 228 HOTEL SUITES, 111,000 SQUARE FEET OF GROSS FLOOR AREA OF COMMERCIAL USES AND 90,000 SQUARE FEET OF GROSS FLOOR AREA OF GENERAL AND MEDICAL OFFICE USES, 150 ASSISTED LIVING UNITS, 60,000 SQUARE FEET OF SELF-STORAGE AND 30,000 SQUARE FEET OF NEW CAR DEALERSHIP; PROVIDING FOR MAXIMUM HEIGHT OF 168 FEET. THE SUBJECT PROPERTY IS LOCATED NEAR THE SOUTHERN CORNER OF THE INTERSECTION OF DAVIS BOULEVARD AND TAMAMI TRAIL EAST IN SECTION 11, TOWNSHIP 50 SOUTH, RANGE 25 EAST, CONSISTING OF 5.35 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. [PL20160003084]

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, Real Estate Partners International, LLC requested an amendment to the Future Land Use Element and Future Land Use Map and Map Series to create the Mini-Triangle Subdistrict; and

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3/13/18

Words underlined are added, words struck-through have been deleted.
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 February 15, 2018 and April 5, 2018 considered the proposed amendment to the Growth Management Plan and recommended approval of said amendment to the Board of County Commissioners; and

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 _________________; 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 and Future Land Use Map and Map Series 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.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this ______ day of ____________, 2018.

ATTEST:

DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

________________________
Deputy Clerk

________________________
ANDY SOLIS, Chairman

Approved as to form and legality:

________________________
Heidi Ashton-Cicko,
Managing Assistant County Attorney

Attachment: Exhibit A – Proposed Text Amendment & Map Amendment
EXHIBIT “A”

PROPOSED GMPA AMENDMENT LANGUAGE

Proposed Small Scale Amendments to the Collier County Future Land Use Element (FLUE) Related to 5.35 Acres Located within the “Mini Triangle” Portion of the Bayshore/Gateway Triangle Redevelopment Overlay

Amend the FLUE DESCRIPTION SECTION, Section I, URBAN DESIGNATION, Subsection A. Urban Mixed Use District, Page 49, as follows:

19. Mini Triangle Mixed Use Subdistrict

I. Purpose and Intent:

The Mini Triangle Subdistrict is 5.35 acres in size and is located within the Bayshore/Gateway Triangle Redevelopment Overlay of this GMP. The purpose and intent of the 5.35 acre site specific Mixed Use Subdistrict, as a subset of the Bayshore/Gateway Triangle Redevelopment Overlay, is to further the goals of the Collier County Community Redevelopment Area (CRA) as stated in the adopted Bayshore Gateway Triangle Redevelopment Plan1. In particular, Section 5.7 of the Community Redevelopment Plan identifies the Triangle Area as a “Mixed Center/Corridor Development Concept”. The intent of the Plan related specifically to the Mini Triangle area is to create a Catalyst Project (or projects) that will foster the revitalization of the surrounding Gateway Triangle area. In order to facilitate the development of a Catalyst Project and further the intent of the Community Redevelopment Plan, this Subdistrict provides for greater intensity, density, and flexibility in applicable Site Design and Development Standards. In order to provide for this greater intensity, density, and flexibility the Mini Triangle Subdistrict shall be rezoned to MPUD.

II. Allowable Uses and Restrictions:

All uses allowed within the Gateway Triangle Mixed Use Overlay District Mixed Use Subdistrict (GTMUD-MXD) shall be allowed within this Subdistrict subject to the intensity and density limitations identified in paragraphs A. through F., below. To ensure a mixed use development, a minimum of 50 multi-family dwelling units and 30,000 square feet of two or more of the following commercial uses shall be developed: professional office, retail, restaurant and personal services. The PUD shall establish a date, timeframe, or condition by which the minimum 50 multi-family dwelling units and 30,000 square feet of commercial development shall be constructed. This date, timeframe or condition shall not be construed to limit approval of a Site Development Plan (SDP) or related amendment(s) thereto, nor the installation of any site related infrastructure or other site improvements depicted thereon, including but not limited to site access, sewer and water lines and facilities, stormwater facilities, surface parking, landscaping, signage, and fence or walls.

A. 210 multi-family residential units are allowed by right within this Subdistrict.
B. 152 hotel suites/rooms (or other transient lodging uses including but not limited to interval ownership or vacation rental suites) are allowed by right within this Subdistrict.

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1Bayshore/Gateway Redevelopment Plan, approved on June 13, 2000 by Resolution 2000-181
C. 74,000 square feet of the following uses, as specifically permitted by right or as a conditional uses in the C-4, General Commercial District, are allowed by right within this Subdistrict:
    • Retail;
    • Restaurant;
    • Movie Theatre (multiplex), bowling center and physical fitness facilities; and
    • Personal services.
D. 60,000 square feet of professional or medical office uses are permitted by right within this Subdistrict.
E. The following additional commercial uses are allowed only if the uses listed in paragraphs A, through D. above, are converted to an additional use using a conversion formula in accordance with paragraph F below.
    • Assisted Living Facilities (ALF) – not to exceed 150 units and a maximum floor area ratio of 0.45; and,
    • Indoor Air-conditioned passenger vehicle and self storage, not to exceed 60,000 square feet (SIC Code 4225); and,
    • New Car Dealership, not to exceed 30,000 square feet (SIC Code 5511); and,
    • Any other principal use which is comparable in nature with the forgoing list of permitted principal uses
F. The densities and intensities identified for specific uses in Paragraphs A, through D. above may be increased through application of conversion formulas to be established during the MPUD rezone, subject to the following minimum and maximum limitations listed below. Any increase in density or square footage identified in Paragraphs A, through D. above by using a conversion formula will result in a corresponding reduction of dwelling units and/or hotel suites/rooms and/or retail and/or office square footage, and additionally:
    • In no case shall the maximum total daily trip generation for the project exceed 875 two-way PM peak hour unadjusted trips;
    • In no case shall the maximum number of dwelling units for the project exceed 400;
    • In no case shall the maximum number of hotel rooms for the project exceed 200;
    • In no case shall the maximum combination of retail, office, personal service, restaurant, movie theater uses for the project exceed 200,000 square feet;
    • To ensure that the development is mixed use in nature, a minimum of 50 multi-family residential uses and a minimum combination of 30,000 square feet of two or more of the following shall be developed: retail, restaurant, professional office, or personal services;
G. Development within this Subdistrict shall be subject to the provisions of LDC Section 4.02.16 - Design Standards for Development in the Bayshore Gateway Triangle Redevelopment Area, as applicable, except in the case of building height, which may exceed the maximum allowable height established in Section 4.02.16, as well as any deviations from the applicable provisions of Section 4.02.16, as may be approved as part of the MPUD.

2 1987 Standard Industrial Classification (SIC) Manual, Executive Office of the President Office of Management and Budget
Amend the FLUE, B. DENSITY RATING SYSTEM, 1.e., Pages 50 and 51, as follows:

e. All new residential zoning located within Districts, Subdistricts and Overlays identified above that are subject to this Density Rating System shall be consistent with this Density Rating System, except as provided in:

1) Policy 5.1 of the Future Land Use Element.
2) The Urban Mixed Use District for the “vested” Port of the Islands development.
3) The Buckley Mixed Use Subdistrict
4) The Commercial Mixed Use Subdistrict.
5) The Vanderbilt Beach/Collier Boulevard Commercial Subdistrict.
6) Livingston/Radio Road Commercial Infill Subdistrict.
7) Vanderbilt Beach Road Neighborhood Commercial Subdistrict.
8) The Bayshore/Gateway Triangle Redevelopment Overlay.
9) The Mini Triangle Mixed Use Subdistrict.

Amend the FLUE, V. OVERLAYS AND SPECIAL FEATURES, F. Bayshore/Gateway Triangle Redevelopment Overlay, Pages 139-141, as follows:

F. Bayshore/Gateway Triangle Redevelopment Overlay. The Bayshore/Gateway Triangle Redevelopment Overlay, depicted on the Future Land Use Map, is within the boundaries of the Bayshore/Gateway Triangle Redevelopment Plan adopted by the Board of County Commissioners on June 13, 2000. The intent of the redevelopment program is to encourage the revitalization of the Bayshore/Gateway Triangle Redevelopment Area by providing incentives that will encourage the private sector to invest in this urban area. This Overlay allows for additional neighborhood commercial uses and increased intensity and higher residential densities that will promote the assembly of property, or joint ventures between property owners, while providing interconnections between properties and neighborhoods. The intent of this Overlay is to allow for more intense development in an urban area where urban services are available. Two zoning overlays have been adopted into the Collier County Land Development Code to aid in the implementation of this Overlay. The following provisions and restrictions apply to this Overlay:

1. Mixed-Use Development: A mix of residential and commercial uses are permitted. For such development, commercial uses are limited to C-1 through C-3 zoning district uses, except as otherwise provided for in the Mini Triangle Subdistrict; hotel/motel use; theatrical producers (except motion picture), bands, orchestras, and entertainers; and, uses as may be allowed by applicable FLUE Policies. Mixed-use projects will be pedestrian oriented and are encouraged to provide access (vehicular, pedestrian, bicycle) to nearby residential areas. The
intent is to encourage pedestrian use of the commercial area and to provide opportunity for nearby residents to access these commercial uses without traveling onto major roadways. Parking facilities are encouraged to be located in the rear of the buildings or in parking structures that may be below, at, or above grade, with the buildings oriented closer to the major roadways to promote traditional urban development.

2. Residential uses are allowed within this Overlay. Permitted density shall be as determined through application of the Density Rating System, and applicable FLUE Policies, except as provided below or and except as may be limited by a zoning overlay, or as provided within the Mini Triangle Subdistrict.

3. Non-residential/non-commercial uses allowed within this Overlay include essential services; parks, recreation and open space uses; water-dependent and water-related uses; child care centers; community facility uses; safety service facilities; and utility and communication facilities.

4. Properties with access to US 41 East and/or Bayshore Drive and/or Davis Boulevard (SR 84) and/or the west side of Airport-Pulling Road may be allowed a maximum density of 12 residential units per acre, via use of the density bonus pool identified in paragraph 11; except that no project may utilize more than 97 units – 25% of the total density pool units available. The 97 unit cap will terminate when the BCC adopts, by LDC amendment, limitations and a cap on the use of the 388 density pool units for any one project. In order to be eligible for this higher density, the project must be integrated into a mixed-use development with access to existing neighborhoods and adjoining commercial properties and comply with the standards identified in paragraph no. 8, below, except for mixed use projects developed within the "mini triangle" catalyst project site as identified on the Bayshore/Gateway Triangle Redevelopment Overlay Map. The "mini triangle" catalyst project site is eligible for the maximum density of 12 units per acre, with development standards as contained in the Gateway Triangle Mixed Use District zoning overlay adopted February 28, 2006 (Ordinance No. 06-08), and amended December 14, 2006 (Ordinance No. 06-63). For projects that do not comply with the requirements for this density increase, their density is limited to that allowed by the Density Rating System and applicable FLUE Policies, except as may be limited by a future zoning overlay. Properties located within the Mini Triangle Subdistrict are exempt from this paragraph.

5. Properties having frontage on one or more of Bayshore Drive, Davis Boulevard, Airport-Pulling Road (west side only) or US 41 East, may be allowed to redevelop as a residential-only project at a maximum density of 8 residential units per acre via use of the density bonus pool identified in paragraph 11, except that no project may utilize more than 97 units – 25% of the 388 total density pool units available. The 97 unit cap will terminate when the BCC adopts, by LDC amendment, limitations and a cap on the use of the 388 density pool units for any one project. In order to be eligible for this higher density the redevelopment must comply with the following:
   a. Project shall be in the form of a PUD.
   b. Project site shall be a minimum of three acres.
c. Project shall constitute redevelopment of the site.
d. All residential units shall be market rate units.

For projects that do not comply with the requirements for this density increase, their density
is limited to that allowed by the Density Rating System and applicable FLUE Policies. Properties located in the Mini Triangle Subdistrict are exempt from the above provisions (paragraph 5).

6. For parcels currently within the boundaries of Mixed Use Activity Center #16, land uses will
continue to be governed by the Mixed Use Activity Center Subdistrict, except residential
density may also be increased as provided for in paragraphs 4 and 5, above. The development
standards of the Bayshore Drive Mixed Use Overlay District or Gateway Triangle Mixed Use
Overlay District in the Collier County Land Development Code, whichever is applicable,
shall apply to all new development within the Activity Center.

7. Existing zoning districts for some properties within the Bayshore/Gateway Triangle
Redevelopment Overlay allow uses, densities and development standards that are inconsistent
with the uses, densities and development standards allowed within this Overlay. These
properties are allowed to develop and redevelop in accordance with their existing zoning until
such time as a zoning overlay is adopted which may limit such uses, densities and
development standards.

8. To qualify for 12 dwelling units per acre as provided for in paragraph no. 4 above, or as
otherwise permitted within Mini Triangle Subdistrict, mixed use projects within the
Bayshore/Gateway Triangle Redevelopment Overlay must comply with the design standards
of the Bayshore Drive Mixed Use Overlay District or Gateway Triangle Mixed Use Overlay
District in the Collier County Land Development Code, whichever is applicable, or in the
case of the Mini Triangle Subdistrict, mixed use projects may utilize the design standards set
forth in the Mini Triangle Subdistrict and its implementing MPUD zoning.

9. For density bonuses provided for in paragraphs nos. 4 and 5 above, base density shall be per
the underlying zoning district. The maximum density of 12 or 8 units per acre shall be
calculated based upon total project acreage. The bonus density allocation is calculated by
deducting the base density of the underlying zoning classification from the maximum density
being sought. The difference in units per acre determines the bonus density allocation
requested for the project.

10. Only the affordable-workforce housing density bonus, as provided in the Density Rating
System, and the density provided for within the Mini Triangle Subdistrict is are allowed in
addition to the eligible density provided herein. For all properties, the maximum density
allowed is that specified under Density Conditions in the Density Rating System, except as
provided for within the Mini Triangle Subdistrict.

11. A maximum of 388 dwelling units are permitted to be utilized in this Overlay for density
bonuses, as provided in paragraphs nos. 4 and 5 above. This 388 dwelling unit density bonus
pool corresponds with the number of dwelling units previously entitled to the botanical
garden sites prior to their rezoning in 2003 to establish the Naples Botanical Gardens PUD. Projects within the “mini triangle” catalyst project is not subject required to utilize this density bonus pool.

12. The Botanical Garden, Inc. properties located in Section 23, Township 50 South, Range 25 East, and shown on the Bayshore/Gateway Triangle Redevelopment Overlay Map, shall be limited to non-residential uses except for caretaker, dormitory, and other housing integrated related to the Botanical Garden or other institutional and/or recreational open space uses.

Future Land Use Map
Activity Center Index Map (XV) Mixed Use & Interchange Activity Center Maps
Properties Consistent by Policy (5.9, 5.10, 5.11, 5.12) Maps
Collier County Wetlands Map
Collier County Wellhead Protection Areas and Proposed Wellfields and ASRs Map
Future Land Use Map Rivers and Floodplains
Future Land Use Map Estuarine Bays
Future Land Use Map Soils
Existing Commercial Mineral Extraction Sites Map
Bayshore/Gateway Triangle Redevelopment Overlay Map
Stewardship Overlay Map
Rural Lands Study Area Natural Resource Index Maps
North Belle Meade Overlay Map
North Belle Meade Overlay Map Section 24
Existing Schools and Ancillary Facilities Map
Future Schools and Ancillary Facilities Map (XIII) Plantation Island Urban Area Map
Copeland Urban Area Map
Railhead Scrub Preserve – Conservation Designation Map
Lely Mitigation Park – Conservation Designation Map
Margood Park Conservation Designation Map
Urban Rural Fringe Transition Zone Overlay Map
Orange Blossom Mixed Use Subdistrict Map
Vanderbilt Beach/Collier Boulevard Commercial Subdistrict Map
Goodlette/Pine Ridge Commercial Infill Subdistrict Map
Henderson Creek Mixed-Use Subdistrict Map
Buckley Mixed-Use Subdistrict Map
Livingston/Pine Ridge Commercial Infill Subdistrict Map
Vanderbilt Beach Road Neighborhood Commercial Subdistrict Map
Livingston Road/Eatonwood Lane Commercial Infill Subdistrict Map
Livingston Road Commercial Infill Subdistrict Map
Orange Blossom/Airport Crossroads Commercial Subdistrict
Livingston Road/Veteran’s Memorial Boulevard Commercial Infill Subdistrict Map
Corkscrew Island Neighborhood Commercial Subdistrict Map
Collier Boulevard Community Facility Subdistrict Map
Coastal High Hazard Area Map (XXX) Coastal High Hazard Area Comparison Map
Gordon River Greenway Conservation Area Designation Map
Hibiscus Residential Infill Subdistrict Map
Vincentian Mixed Use Subdistrict Map
Davis – Radio Commercial Subdistrict Map
Mini Triangle Mixed Use Subdistrict Map
MINI TRIANGLE MIXED USE SUBDISTRICT
COLLIER COUNTY, FLORIDA

LEGEND

SUBJECT SITE

PREPARED BY: GIS/CAD MAPPING SECTION
GROWTH MANAGEMENT DEPARTMENT
FILE: CPSS-2016-3 MAP.mxd
DATE: 1/23/2018