

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 TAMiami 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

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, March 1, 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 May 8, 2018; 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

BY: _____
ANDY SOLIS, Chairman

Approved as to form and legality:

Heidi Ashton-Cicko,
Managing Assistant County Attorney

MFAC
4-9-18

Attachment: Exhibit A – Proposed Text Amendment & Map Amendment

19. Mini Triangle Mixed Use Subdistrict

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 Mini Triangle 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 Plan (approved on June 13, 2000 by Resolution No. 2000-181). 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 mixed use "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 accomplish this greater intensity, density, and flexibility in applicable Site Design and Development Standards, the Mini Triangle Subdistrict shall be rezoned to a Mixed Use Planned Unit Development (MPUD). Development within the Mini Triangle Subdistrict shall be subject to the following:

- a. A maximum of 377 multi-family residential units may be permitted.
- b. A maximum of 228 hotel suites/rooms (or other transient lodging uses including but not limited to interval ownership or vacation rental suites) may be permitted.
- c. A maximum of 200,000 square feet of any combination of the following commercial uses may be permitted:
 1. Retail;
 2. Eating and drinking establishments;
 3. Movie Theatre (multiplex), bowling center, physical fitness facilities, yoga studio, bicycle rental and museums and art galleries;
 4. Personal services;
 5. General and medical offices;
 6. Indoor Air-conditioned passenger vehicle and/or self storage, not to exceed 60,000 square feet (SIC Code 4225);
 7. New or Used Car Dealerships, not to exceed 30,000 square feet in total (SIC Codes 5511 and 5521); and,
 8. Any other principal use which is comparable in nature with the forgoing list of permitted principal uses.
- d. A maximum of 150 Assisted Living Facilities (ALF) units may be permitted, subject to a maximum floor area ratio of 0.45.
- e. The MPUD shall establish a maximum trip capacity ("Trip Cap") for the Mini Triangle MPUD based upon "Net New Trips. The term Net New Trips means the projected PM peak hour trips generated by anticipated development within the Mini Triangle Subdistrict, reduced by pass-by trips and internal capture.
- f. In order to ensure a mixed use development, the MPUD shall establish the minimum required number of multi-family residential units, the minimum required square footage of a

combination of the commercial uses 1. through 4. in paragraph c, above, and the minimum required square footage for general/medical office.

- g. The MPUD shall establish a date, timeframe, or condition by which the minimum requirements in paragraph f., 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.
- h. 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.

*** *** *** *** *** *** TEXT BREAK *** *** *** *** ***

B. Density Rating System

1. The Density Rating System is applied in the following manner:

*** *** *** *** *** *** TEXT BREAK *** *** *** *** ***

- 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 Mini Triangle Mixed Use Subdistrict.
- 9) The Bayshore/Gateway Triangle Redevelopment Overlay.

*** *** *** *** *** *** TEXT BREAK *** *** *** *** ***

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 Mmix of residential and commercial uses ~~are~~is 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 within the Mini Triangle Subdistrict are exempt from this paragraph.

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 gardens sites prior to their rezone in 2003 to establish the Naples Botanical Gardens PUD. Projects within the "mini triangle" catalyst project is are 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 integrally related to the Botanical Garden or other institutional and/or recreational open space uses.

*** *** *** *** *** *** TEXT BREAK *** *** *** *** ***

Future Land Use Map
Mixed Use & Interchange Activity Centers Maps
Properties Consistent by Policy (5.11, 5.12, 5.13, 5.14) Maps
Collier County Wetlands Map

*** *** *** *** *** *** TEXT BREAK *** *** *** *** ***

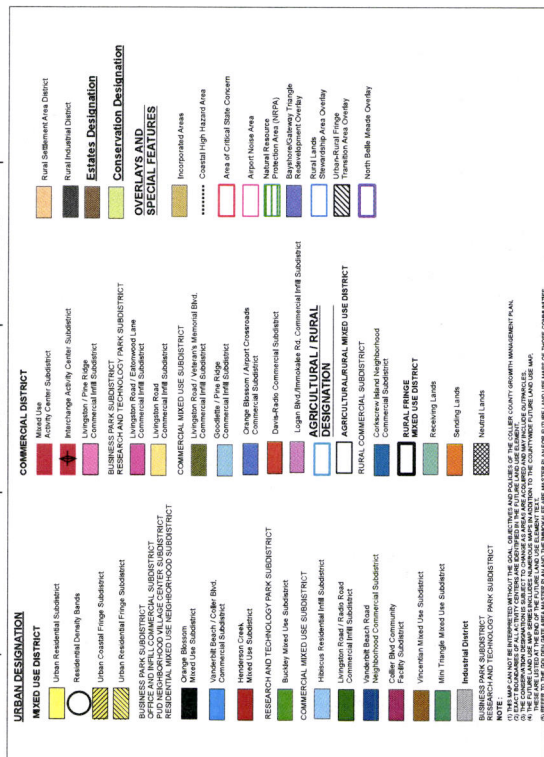
Davis – Radio Commercial Subdistrict Map
Logan Boulevard/Immokalee Road Commercial Infill Subdistrict Map
Mini Triangle Mixed Use Subdistrict Map

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

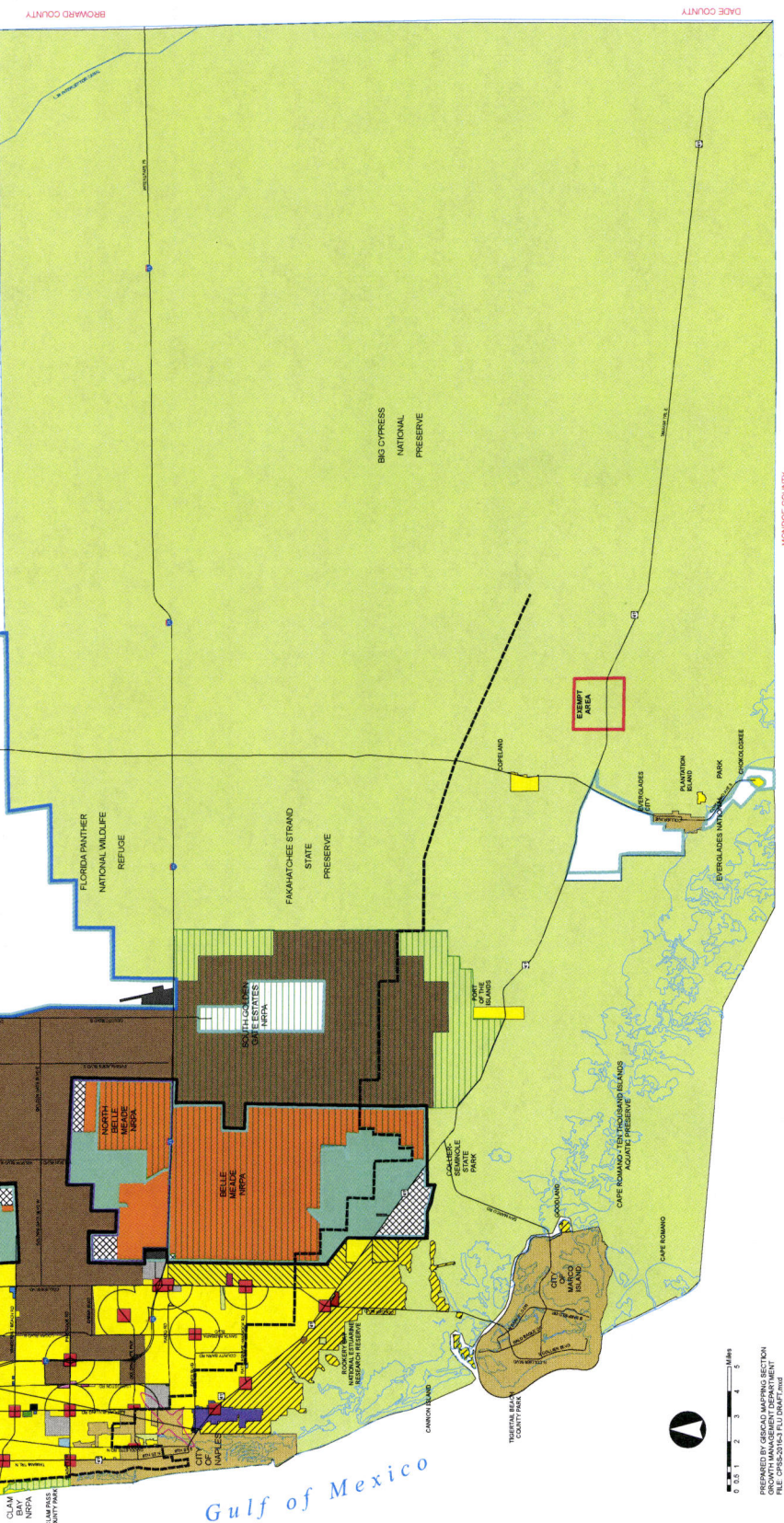
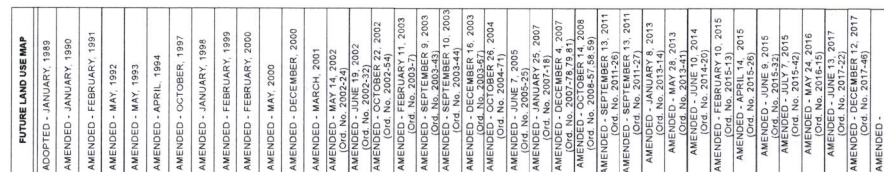
**2012-2025
FUTURE LAND USE MAP**
Collier County Florida

DETAILS OF THE RLSA OVERLAY AREA ARE SHOWN
ON THE FUTURE LAND USE MAP TITLED:
"COLLIER COUNTY RURAL & AGRICULTURAL
AREA ASSESSMENT STEWARDSHIP OVERLAY MAP"

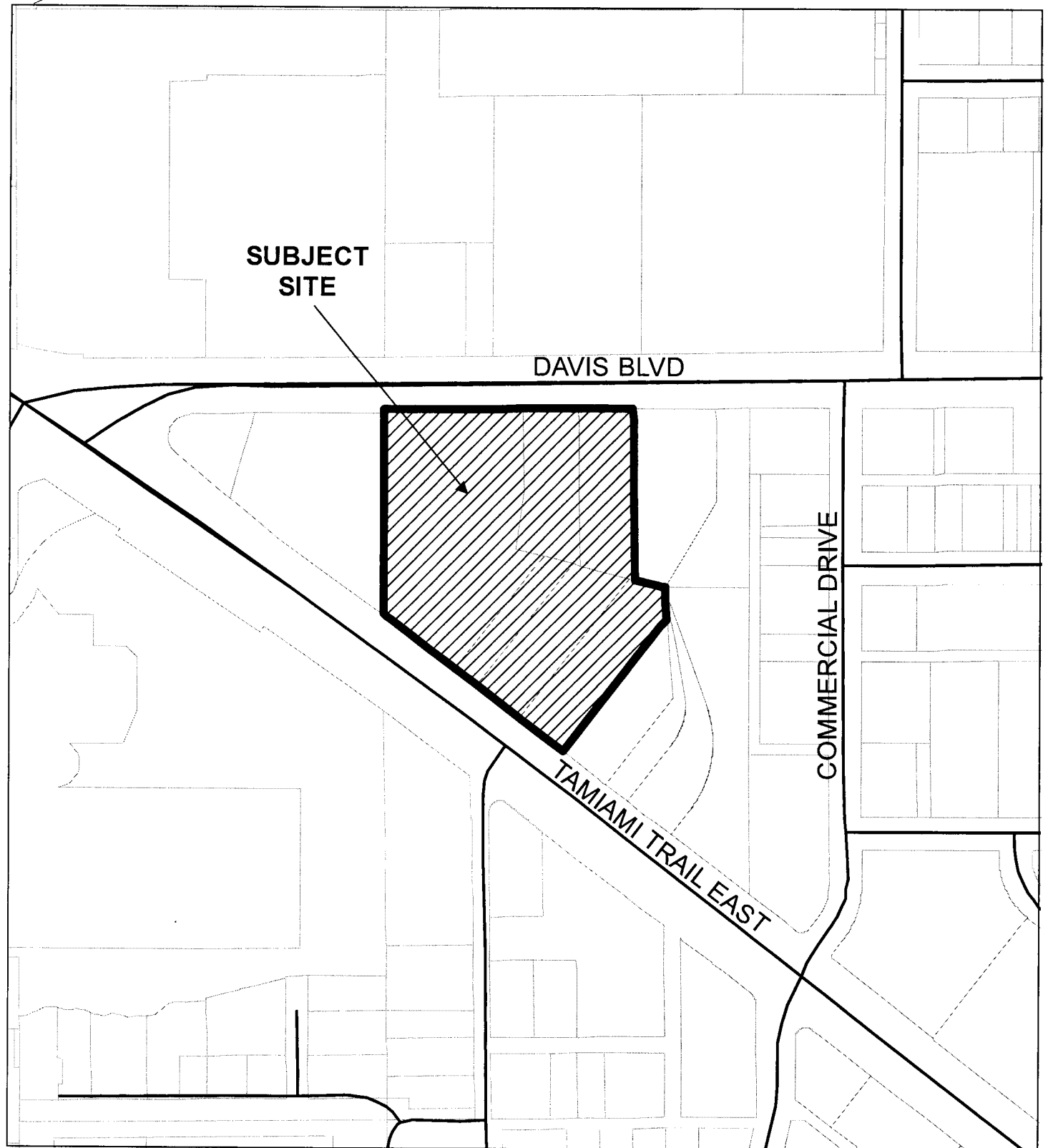
DRAFT



SUBJECT
SITE



PREPARED BY GIS/CAD MAPPING SECTION
GROWTH MANAGEMENT DEPARTMENT
FILE: CPSS-2016-3 FLU DRAFT.mxd

DRAFT**MINI TRIANGLE MIXED USE SUBDISTRICT
COLLIER COUNTY, FLORIDA**

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

0 137.5 275 550 Feet

**LEGEND**