



**STAFF REPORT
COLLIER COUNTY PLANNING COMMISSION**

TO: COLLIER COUNTY PLANNING COMMISSION

FROM: GROWTH MANAGEMENT COMMUNITY DEVELOPMENT DEPARTMENT, ZONING DIVISION, COMPREHENSIVE PLANNING SECTION

HEARING DATE: March 16, 2023

RE: PETITION NO. PL20230000930, STAFF-PROPOSED AMENDMENTS TO THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP AND MAP SERIES, AND MAP TR-4, SOUTH US 41 TRANSPORTATION CONCURRENCY EXCEPTION AREA, IN THE TRANSPORTATION ELEMENT OF THE COLLIER COUNTY GROWTH MANAGEMENT PLAN. [*TRANSMITTAL HEARING*]

REQUESTED ACTION:

This proposal consists of a single staff-initiated Growth Management Plan (GMP) amendment petition comprised of two components, as follows:

1. Amend the Future Land Use Element (FLUE) and Future Land Use Map (FLUM) and Map Series to establish a new US 41 East Overlay for a segment of US 41 East, from approximately Palm Drive (road separating Walmart from Naples Towne Center) to Greenway Road (the Urban-Agricultural/Rural boundary) lying about 3.4 road miles east of Collier Blvd. The Overlay will allow increased density for vertical mixed-use developments within portions of the Overlay and will allow certain economic development uses throughout the Overlay.
2. Create a new map (TR-4.1) depicting the expansion of the Transportation Concurrence Exception Area (TCEA) from its present terminus at the Rattlesnake-Hammock Road and Thomasson Lane intersections with US 41 East, to the southeast along US 41 East to the east side of Mixed Use Activity Center #18 at the intersection of US 41 East and Collier Blvd.; update the tables on the existing TCEA Map (TR-4) to reflect current conditions; and, amend Policy 5.4 of the Transportation Element (TE) to provide a reference to the new TCEA map (TR-4.1).

The proposed GMP amendments are reflected in the Exhibit "A" text and maps accompanying the GMP Amendment Transmittal Resolution.

BACKGROUND:

On February 14, 2017, the Board of County Commissioners (Board) directed staff to engage the East Naples community in a public planning process to identify and incentivize desired land uses and development along the US 41 East (Tamiami Trail) corridor. On April 24, 2018, staff and their consultant team from Johnson Engineering, Inc. presented the US 41 Corridor Study (Corridor Study) to the Board. The Corridor Study included four meetings to engage the public and solicit community input and resulted in recommendations that included: a community-based branding project, land use preferences, strategy to limit undesirable uses, landscaping preferences, and transportation needs.

Following the Corridor Study, staff received Board direction to prepare a community development plan for the East Naples community that would establish a vision for the area to guide future development and redevelopment. In January 2020, the consulting firm of Tindale Oliver contracted with the Board to prepare the East Naples Community Development Plan. In October 2020, the East Naples Community Development Plan (ENCDP) was accepted by the Board. The development of the

ENCDP included an extensive public input process culminating in a community plan that guides land uses and development, promotes various transportation modes, highlights the community's assets/improvements, provides follow-up efforts to address topics of community interest, and provides steps on implementation.

The ENCDP prioritizes the development and implementation of a zoning overlay along the US 41 East corridor (Tamiami Trail East), specifically providing for its establishment within 5-years from the date of acceptance by the Board. An objective of the zoning overlay is to enhance the community's sense of place by providing guidance on future development and redevelopment projects that will expand employment opportunities, leisure activities, dining, and shopping to meet the growing needs of the community.

In 2021, the County contracted with Johnson Engineering, Inc. to assist with preparing a zoning overlay (US 41 EZO) that implements the ENCDP. The community has been actively engaged with staff and the County's consultant in developing the US 41 EZO for the segment of US 41 East that generally begins at Palm Drive (near the Collier County government center) and extends to the east side of Port of the Islands, exclusive of that segment of US 41 within the Rural Fringe Mixed Use District. During the months between January and November 2022, the project team conducted staff team meetings, and stakeholder and community meetings to solicit input on the development and design standards for residential, mixed-use, and commercial development, and spacing criteria for commercial uses, in part, to address the undesirable uses identified in the ENCDP.

STAFF ANALYSIS:

The purpose of this Growth Management Plan (GMP) amendment is to create a FLUE Overlay to provide for increased density and economic development uses along the US 41 East corridor as proposed in the East Naples Community Development Plan (ENCDP). The US 41 East corridor is a Florida Department of Transportation facility which currently has constrained segments. A portion of the US 41 East corridor is within the South Transportation Concurrency Exception Area (TCEA), which exempts properties from link-by-link concurrency. The increased development opportunities allowed by the Overlay could result in increased transportation impacts, most significantly on certain segments of US 41. Given the current modest remaining capacity on US 41 in this area, expansion of the TCEA is beneficial to the transportation network.

Future Land Use Element/Future Land Use Map and Series

The proposed US 41 East Overlay will implement, in part, the ENCDP. At the adoption hearings for these GMP amendments, staff intends to include the companion Land Development Code (LDC) amendments that will establish an implementing zoning overlay.

The Overlay map in the support materials identifies seven different areas where increased density is allowed within mixed use developments (commercial and residential multi-family) - three Regional Centers and four Community Centers. Density increases for mixed use developments within these Centers would be allowed as follows: Regional Centers, up to 20 dwelling units per acre, and Community Centers, up to 16 dwelling units per acre. Land owners would have the option of developing a mixed use project as provided in this Overlay or developing per the underlying future land use designation and applicable FLUE policies. Regional Centers lie within the Mixed Use Activity Center Subdistrict (Activity Centers 16, 17 and 18 as identified on the Future Land Use Map series).

Certain economic development uses are allowed throughout the Overlay. As with the density increase for mixed use development, the development of economic development uses is optional; landowners can choose to develop their property per the underlying future land use designation and applicable FLUE policies.

The table below identifies the present and proposed density allowances within the Overlay's Community and Regional Centers. Because the underlying future land use designations vary, the presently eligible densities vary.

Overlay sub-area	Present eligible density	Proposed eligible density
Community Centers	3/4/16 DU/A	16 DU/A
Regional Centers	4/16 DU/A	20 DU/A

DU/A = dwelling units per acre

The Overlay would allow a *maximum* increase of 3,463 dwelling units; this number reflects 100% participation for all eligible properties and at the maximum allowed density. Staff is of the opinion that the actual participation, even over an extended number of years, will be far less; this is based on the limited number of mixed-use projects built to date despite the County allowing and encouraging such developments since at least 1989. Staff anticipates a participation rate of up to 25% to be more likely to occur in this area, resulting in a maximum increase of 866 dwelling units.

Transportation Element/Transportation Concurrency Exception Area (TCEA) – TR-4 and TR-4.1 Maps:

The proposed FLUE Overlay (and Zoning Overlay) is designed to enhance the area by increasing economic development opportunities, improving the variety of housing options, and creating walkable, vibrant areas supported by a network of services. The proposed increased densities and uses align with the purpose of the TCEA by potentially reducing trips on the US 41 East corridor.

Transportation Planning staff provided the following information to describe the TCEA and its purpose. "Transportation Concurrency Exception Areas (TCEA) is an alternative concurrency management system authorized by Florida Statutes to regulate increased traffic volume created by new development while also promoting affordable housing and redevelopment programs as well as development policies designed to control urban sprawl. These systems are used to manage growth-related impacts to transportation facilities on an area-wide basis rather than on a link-by-link basis.

A TCEA is designed to reduce the adverse impact transportation concurrency may have on urban sprawl control policies and redevelopment. Collier County has one TCEA called the South US 41 TCEA. Development located within the boundaries of the South US 41 TCEA is exempt from transportation concurrency requirements so long as impacts to the transportation system are mitigated using Transportation Demand Management strategies enumerated in the Policy 5.5 of the Transportation Element.

Commercial developments within the South US 41 TCEA that choose to obtain an exception from concurrency requirements for transportation will provide certification to the County transportation planning agency that at least four (4) of the following Transportation Demand Management (TDM) strategies will be utilized:

- a) Preferential parking for carpools and vanpools that is expected to increase the average vehicle occupancy for work trips generated by the development.
- b) Parking charge that is expected to increase the average vehicle occupancy for work trips generated by the development and/or increase transit ridership.
- c) Cash subsidy that is expected to increase the average vehicle occupancy for work trips generated by the development and/or increase transit ridership.
- d) Flexible work schedules that are expected to reduce peak hour automobile work trips generated by the development.
- e) Compressed workweek that would be expected to reduce vehicle miles of travel and peak hour work trips generated by the development.
- f) Telecommuting that would be expected to reduce the vehicle miles of travel and peak hour work trips generated by the development.

- g) Transit subsidy that would be expected to reduce auto trips generated by the development and increase transit ridership.
- h) Bicycle and pedestrian facilities that would be expected to reduce vehicle miles of travel and automobile work trips generated by the development.
- i) Including residential units as a portion of a commercial project that would be expected to reduce vehicle miles of travel.

Residential developments within the South US 41 TCEA that choose to obtain an exception from concurrency requirements for transportation shall provide documentation to the County transportation planning agency that at least three (3) of the following Transportation Demand Management (TDM) strategies will be utilized:

- a) Including neighborhood commercial uses within a residential project.
- b) Providing transit shelters within the development (in coordination with Collier Area Transit).
- c) Providing bicycle and pedestrian facilities with connections to adjacent commercial properties.
- d) Vehicular access to adjacent commercial properties with shared commercial and residential parking.”

Required Data and Analysis in Support of the Changes to the TCEA:

Chapter 163, Part II, Florida Statutes, contains the statutory provisions pertaining to comprehensive plans (GMP), including the requirement for local governments to adopt a comprehensive plan, the elements required to be included in a comprehensive plan, and the procedures and requirements to amend the comprehensive plan. The statutory provisions relevant to most GMP amendments are identified later in this Staff Report (“Criteria for GMP Amendments in Florida Statutes”). Additionally, Chapter 163.3180(5)(h)1.a., Florida Statutes, provides that the County is to “Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system” (SIS). Interstate 75 (I-75) is the closest SIS facility to the proposed US 41 East Overlay and TCEA expansion area; the other SIS facilities are in the east/central part of the county (SR29 and SR82). The County had their transportation consultant perform an evaluation of the traffic impacts to I-75 caused by the allowed density increase under the maximum utilization scenario - the 100% density increase (3,463 DUs). The results indicate the impacts to I-75 are *negligible* (please see below table).

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US 41 Overlay AADT Comparison

Roadway	From	To	Original Approved Model	US41 Overlay Expansion	Difference	Percent Change
Collier Blvd	Fiddler's Creek Pkwy	Manatee Rd	44,370	44,940	570	1.28%
Collier Blvd	Manatee Rd	US 41	47,780	48,680	900	1.88%
Collier Blvd	US 41	Rattlesnake Rd	35,000	35,540	540	1.54%
Collier Blvd	Rattlesnake Rd	Davis Blvd	51,450	51,530	80	0.16%
Collier Blvd	Davis Blvd	I-75	59,310	59,200	-110	0.19%
I-75	SR 29	Everglades Blvd	37,200	37,090	-110	0.30%
I-75	Everglades Blvd	Collier Blvd	57,640	58,250	610	1.06%
I-75	Collier Blvd	Golden Gate Pkwy	90,090	89,470	-620	0.69%
I-75	Golden Gate Pkwy	Pine Ridge Rd	108,250	106,000	-2,250	2.08%
Rattlesnake Rd	US41	Santa Barbara Blvd	21,710	21,890	180	0.83%
Rattlesnake Rd	Santa Barbara Blvd	Collier Blvd	24,240	24,480	240	0.99%
SR 29	US 41	I-75	3,010	3,010	0	0.00%
SR 29	I-75	Oil Well Rd	4,300	4,280	-20	0.47%
US 41	Goodlette-Frank Rd	Davis Blvd	73,240	74,420	1,180	1.61%
US 41	Davis Blvd	Rattlesnake Rd	57,890	60,540	2,650	4.58%
US 41	Rattlesnake Rd	Collier Blvd	43,790	46,710	2,920	6.67%
US 41	Collier Blvd	Manatee Rd	20,850	21,360	510	2.45%

AADT = Average Annual Daily Trips

However, the evaluation indicated there will be impacts on portions of US 41 East. Collier County completed a [D1RPM 2045] model run using the maximum number of multifamily dwelling units allowed by the Overlay. The model estimated that the most significant impacts (increases of up to 6.67% of the original volume) will be along US 41 directly. For this reason, Collier County recommends expanding the TCEA from its southeasterly terminus, approximately south of Rattlesnake-Hammock Road (CR 864), to southeast of Collier Blvd. (CR/SR 951). Consistent with the TCEA, the new Overlay is intended to promote redevelopment, affordable housing and infill development. The Transportation Demand Management strategies required by the TCEA coincide with the goals and vision of the Overlay and provide a systematic approach to addressing the congestion in the area.

The existing TCEA was adopted in 2004 along with two Transportation Concurrency Management Areas (TCMA). As a significant portion of the [at that time, proposed] TCEA was within the Urban Infill and Redevelopment Area aka Bayshore/Gateway Triangle Redevelopment Overlay (B/GTRO), certain statutory and State Rule 9J-5 provisions were applicable pertaining to the amount of vacant land allowed, redevelopment strategies, etc. Thus, two tables were included on the TCEA map, one pertaining to vacant lands and one pertaining to land use categories. For the existing TCEA, staff updated the land use and vacant parcel tables using 2022 data from the Collier County Property Appraiser's Office; please see below.

Existing TCEA, Land Use Table (2022 data)

Public	Commercial	Residential	Total Acres
93.07	453.52	429.50	976.09
9.53%	46.46%	44.00%	100%

Note: Percent figures do not sum to 100% due to rounding.

Existing TCEA, Vacant Parcel Table (2022 data)

ALL PARCELS	Count: 1725 (100%)	Sum of acres = 976.09 (100%)
VACANT	Count: 234 (13.6%)	Sum of acres = 105.55 (10.8%)
NON-VACANT	Count: 1491 (86.4%)	Sum of acres = 870.54 (89.2%)

Similarly, for the TCEA expansion area, staff created land use and vacant parcel tables using 2022 data from the Collier County Property Appraiser’s Office; please see below. However, none of the expanded TCEA lies within the Urban Infill and Redevelopment Area (B/GTRO), and statutory requirements are less than they were in 2004.

TCEA Expansion, Land Use Table

Public	Commercial	Residential	Total Acres
406.42	626.73	181.08	1214.23
33.47%	51.62%	14.91%	100%

TCEA Expansion, Vacant Parcel Table

ALL PARCELS	Count: 640 (100%)	Sum of acres = 1214.23 (100%)
VACANT	Count: 106 (16.6%)	Sum of acres = 171.39 (14.1%)
NON-VACANT	Count: 534 (83.4%)	Sum of acres = 1042.84 (85.9%)

Additionally, the County’s subconsultant for the preparation of the US 41 East Zoning Overlay, Fehr Peers, prepared a transportation analysis of the potential vertical mixed-use development on two [sample] parcels along the US 41 East corridor: Lowe’s plaza in the southwest quadrant of US 41 East and CR/SR 951, and St. Andrews Square in the northwest quadrant of US 41 East and St. Andrews Blvd. Both parcels are developed with commercial centers. The analysis considered partial redevelopment with vertical mixed use (commercial and residential), which is one of the desired outcomes of the East Naples Community Development Plan and is one of the strategies to lessen transportation impacts. [see attachments: Transportation Analysis Summary 11-29-22 (Fehr Peers Memorandum dated Nov. 29, 2022), and Transportation Plan Review Summary 2-11-22 (Fehr Peers Memorandum dated Feb. 11, 2022)]

Environmental Impacts:

These amendments increase the allowable density and increase the intensity of commercial uses allowed for certain properties along the US41 East corridor, all of which are designated Urban and most of which are already developed or cleared of native vegetation. Redevelopment or development of these properties is subject to the environmental protection standards in the Conservation and Coastal Management Element and LDC, as applicable.

Public Facilities Impacts:

Based upon review of the most recent AUIR, Annual Update and Inventory Report, there are adequate public facilities to accommodate the allowable density increase (and additional commercial uses) proposed by this amendment (water, wastewater, solid waste, drainage, etc.). Transportation impacts have been previously addressed.

Criteria for GMP Amendments in Florida Statutes

Data and analysis requirements for comprehensive plans and plan amendments are noted in Chapter 163, F.S., specifically as listed below.

Section 163.3177(1)(f), Florida Statutes:

- (f) All mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue.
1. Surveys, studies, and data utilized in the preparation of the comprehensive plan may not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such studies, surveys, data, and supporting documents for proposed plans and plan amendments shall be made available for public inspection, and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction. Support data or summaries are not subject to the compliance review process, but the comprehensive plan must be clearly based on appropriate data. Support data or summaries may be used to aid in the determination of compliance and consistency.
 2. Data must be taken from professionally accepted sources. The application of a methodology utilized in data collection or whether a particular methodology is professionally accepted may be evaluated. However, the evaluation may not include whether one accepted methodology is better than another. Original data collection by local governments is not required. However, local governments may use original data so long as methodologies are professionally accepted.
 3. The comprehensive plan shall be based upon permanent and seasonal population estimates and projections, which shall either be those published by the Office of Economic and Demographic Research or generated by the local government based upon a professionally acceptable methodology. The plan must be based on at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period unless otherwise limited under s. [380.05](#), including related rules of the Administration Commission. Absent physical limitations on population growth, population projections for each municipality, and the unincorporated area within a county must, at a minimum, be reflective of each area's proportional share of the total county population and the total county population growth.

Section 163.3177(6)(a)2.:

2. The future land use plan and *plan amendments* shall be based upon surveys, studies, and data regarding the area, as applicable, including:
 - a. The amount of land required to accommodate anticipated growth.
 - b. The projected permanent and seasonal population of the area.
 - c. The character of undeveloped land.
 - d. The availability of water supplies, public facilities, and services.
 - e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.
 - f. The compatibility of uses on lands adjacent to or closely proximate to military installations.
 - g. The compatibility of uses on lands adjacent to an airport as defined in s. [330.35](#) and consistent with s. [333.02](#).

- h. The discouragement of urban sprawl.
- i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.
- j. The need to modify land uses and development patterns within antiquated subdivisions.

Section 163.3177(6)(a)8., Florida Statutes:

- (a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land. The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed.
- 8. Future land use map amendments shall be based upon the following analyses:
 - a. An analysis of the availability of facilities and services.
 - b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.
 - c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.

Also, the State land planning agency has historically recognized the consideration of community desires (e.g. if the community has an articulated vision for an area as to the type of development desired, such as within a Community Redevelopment Area), or existing incompatibilities (e.g. presently allowed uses would be incompatible with surrounding uses and conditions).

LEGAL CONSIDERATIONS:

This Staff Report was reviewed by the County Attorney's Office on February 17, 2023. The criteria for GMP amendments to the Future Land Use Element and map series are in Sections 163.3177(1)(f) and 163.3177(6)(a)2 and 163.3177(6)(a)8, Florida Statutes. *[HFAC]*

STAFF RECOMMENDATION:

Staff recommends that the Collier County Planning Commission forward Petition PL20230000930 to the Board of County Commissioners with a recommendation to approve for transmittal to the Florida Department of Economic Opportunity and other statutorily required review agencies.