

EXECUTIVE SUMMARY

A Resolution of the Board of County Commissioners proposing an amendment to the Collier County Growth Management Plan, Ordinance 89-05, as amended, specifically amending the Future Land Use Element and Future Land Use Map and Map Series to add the US 41 East Overlay to allow certain economic development uses within the Corridor segments; and, allow increased height and density, and certain economic development uses in Regional Centers and Community Centers through incentives; and amending the Transportation Element and maps to expand the South US 41 Transportation Concurrency Exception Area; and furthermore directing transmittal of the proposed amendment to the Florida Department of Economic Opportunity. [PL20230000930]

OBJECTIVE: For the Board of County Commissioners (Board) to review and consider approving the proposed amendments to:

1. The Future Land Use Element and Future Land Use Map and Map Series, specifically 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 Boulevard, which will provide for increased density and height for vertical mixed-use developments within portions of the Overlay, and allow certain economic development uses throughout the Overlay; and,
2. The Transportation Element to create a new map (TR-4.1) depicting the expansion of the South US 41 Transportation Concurrency 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 Boulevard; and, 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.

CONSIDERATIONS: 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 (ENCDP). The ENCDP was accepted by the Board in October 2020. 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.

Certain provisions of the proposed US 41 EZO necessitate the establishment of the subject US 41 East Overlay in the GMP and related TCEA expansion.

FISCAL IMPACT: The costs associated with processing and advertising the proposed GMP amendment have been allocated within Planning Services Fund (131), Current Planning Fund Center (138326).

GROWTH MANAGEMENT IMPACT: Approval of the proposed amendment by the Board for transmittal to the Florida Department of Economic Opportunity and other statutorily required review agencies will commence the Department's thirty (30) day review process and ultimately return the amendments to the CCPC and the Board for Adoption hearings.

STAFF RECOMMENDATION TO THE COLLIER COUNTY PLANNING COMMISSION: That the Collier County Planning Commission, acting as the Land Planning Agency and the Environmental Advisory Council, forward the proposed US 41 East Overlay and Transportation Concurrency Exception Area expansion Growth Management Plan amendments to the Board of County Commissioners with a recommendation to Transmit to the Florida Department of Economic Opportunity and other statutorily required review agencies.

COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION: The CCPC reviewed and discussed the proposed amendments at their March 16, 2023, meeting. The CCPC recommended that the Board approve the amendments for transmittal, per staff recommendation (vote: 6/0). There were no registered speakers.

LEGAL CONSIDERATIONS: The Board should consider the following criteria in making its decision: "plan amendments shall be based on 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 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." s. 163.3177(1)(f), FS. In addition, s. 163.3177(6)(a)2, FS provides that FLUE plan amendments shall be based on 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 non-conforming 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 need to modify land uses and development patterns with antiquated subdivisions.
- i. The discouragement of urban sprawl.
- j. The need for job creation, capital investment and economic development that will strengthen and diversify the community's economy.

And FLUE map amendments shall also be based upon the following analysis per Section 163.3177(6)(a)8.:

- 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.

This item is approved as to form and legality and requires a majority vote for Board approval because this is a Transmittal hearing. [HFAC]

RECOMMENDATION: To approve the proposed amendments for transmittal to the DEO and other statutorily required agencies, as recommended by the CCPC.

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