



**STAFF REPORT
COLLIER COUNTY PLANNING COMMISSION**

TO: COLLIER COUNTY PLANNING COMMISSION
FROM: GROWTH MANAGEMENT DIVISION, PLANNING & ZONING DEPARTMENT, COMPREHENSIVE PLANNING SECTION
HEARING DATE: November 1, 2012
RE: PETITION PL20120001213/CP-2012-3, BAYSHORE/GATEWAY TRIANGLE REDEVELOPMENT OVERLAY GROWTH MANAGEMENT PLAN AMENDMENT [TRANSMITTAL HEARING]
(Coordinator: David Weeks, AICP, GMP Manager)

APPLICANT

Ms. Jean Jourdan, Interim Executive Director
Bayshore/Gateway Triangle CRA
4069 Bayshore Drive
Naples, FL 34112

GEOGRAPHIC LOCATION:

This amendment is to the Bayshore/Gateway Triangle Redevelopment Overlay (B/GTRO), which is located along the following road corridors: Bayshore Drive, Davis Blvd. (SR 84), US 41 (Tamiami Trail) East, Airport-Pulling Road (CR 31). The B/GTRO is depicted on the Bayshore/Gateway Triangle Redevelopment Overlay Map (*attached*), part of the Future Land Use Map Series, and comprises approximately 1,160 acres; it is located within the East Naples Planning Community.

REQUESTED ACTION:

This petition seeks to amend the existing Bayshore/Gateway Triangle Redevelopment Overlay, and related provisions, within the Future Land Use Element of the Collier County Growth Management Plan by:

1. Amending Policy 5.1, the Density Rating System, and the Mixed Use Activity Center Subdistrict to reference the Bayshore/Gateway Triangle Redevelopment Overlay;
2. Amending the B/GTRO text to:
 - a. Expand the area to which the density bonus pool is applicable for mixed use projects (but retain the cap at 12 DU/A);
 - b. Establish a new provision allowing residential-only projects of a minimum size to utilize the density bonus pool, allow this provision to apply to the same areas as mixed use

- projects and within the Mixed Use Activity Center, limit to 8 DU/A, and require PUD zoning;
- c. Remove the development standards and replace with reference to the LDC which contains these same standards.

The proposed changes to the B/GTRO, and related FLUE provisions, are as follows:

(Words underlined are added, words ~~struck through~~ are deleted.)

Policy 5.1:

All rezonings must be consistent with this Growth Management Plan. For properties that are zoned inconsistent with the Future Land Use Designation Description Section but have nonetheless been determined to be consistent with the Future Land Use Element, as provided for in Policies 5.9 through 5.13, the following provisions apply:

- a. For such commercially-zoned properties, zoning changes will be allowed provided the new zoning district is the same or a lower intensity commercial zoning district as the existing zoning district, and provided the overall intensity of commercial land use allowed by the existing zoning district, except as allowed by Policy 5.11, is not exceeded in the new zoning district. The foregoing notwithstanding, such commercial properties may be approved for the addition of residential uses, in accordance with the Commercial Mixed Use Subdistrict, though an increase in overall intensity may result. A zoning change of such commercial-zoned properties to a residential zoning district is allowed as provided for in the Density Rating System of this Future Land Use Element and as provided for in the Bayshore/Gateway Triangle Redevelopment Overlay.
- b. For such industrially-zoned properties, zoning changes will be allowed provided the new zoning district is the same or a lower intensity industrial, or commercial, zoning district as the existing zoning district, and provided the overall intensity of industrial land use allowed by the existing zoning district is not exceeded in the new zoning district.
- c. For such residentially-zoned properties, zoning changes will be allowed provided the authorized number of dwelling units in the new zoning district does not exceed that authorized by the existing zoning district, and provided the overall intensity of development allowed by the new zoning district does not exceed that allowed by the existing zoning district, except as provided for in the the Bayshore/Gateway Triangle Redevelopment Overlay.
- d. Any property deemed consistent may be combined and developed with other abutting property provided the density and intensity of development derived from the property deemed consistent is not increased.
- e. Overall intensity of development shall be determined based upon a comparison of public facility impacts as allowed by the existing zoning district and the proposed zoning district.

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B. DENSITY RATING SYSTEM:

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

- 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

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1. Mixed Use Activity Center Subdistrict

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For residential-only development, if a project is located within the boundaries of a Mixed Use Activity Center which is not within the Urban Residential Fringe Subdistrict or Urban Coastal Fringe Subdistrict, up to 16 residential units per grow acre may be permitted. If such a project is located within the boundaries of a Mixed Use Activity Center which is within the Urban Coastal Fringe Subdistrict, the eligible density shall be limited to four dwelling units per acre, except as allowed by the density rating system and the Bayshore/Gateway Triangle Redevelopment Overlay. If such a project is located within the boundaries of a Mixed Use Activity Center which is within the Urban Residential Fringe Subdistrict, eligible density shall be as allowed by that Subdistrict. For a residential-only project located partially within and partially outside of an Activity Center, the density accumulated from the Activity Center portion of the project may be distributed throughout the project.

Mixed-use developments - whether consisting of residential units located above commercial uses, in an attached building, or in a freestanding building - are allowed and encouraged within Mixed Use Activity Centers. Density for such a project is calculated based upon the gross project acreage within the Activity Center. If such a project is located within the boundaries of a Mixed Use Activity Center which is not within the Urban Residential Fringe Subdistrict and is not within the Coastal High Hazard Area, the eligible density is sixteen dwelling units per acre. If such a project is located within the boundaries of a Mixed Use Activity Center that is not within the Urban Residential Fringe Subdistrict but is within the Coastal High Hazard Area, the eligible density shall be limited to four dwelling units per acre, except as allowed by the Bayshore/Gateway Triangle Redevelopment Overlay. If such a project is located within the boundaries of a Mixed Use Activity Center which is within the Urban Residential Fringe Subdistrict, eligible density shall be as allowed by that Subdistrict. For a project located partially within and partially outside of an Activity Center, and the portion within an Activity Center is developed as mixed use, some of the density accumulated from the Activity Center portion of the project may be distributed to that portion of the project located outside of the Activity Center. In order to promote compact and walkable mixed use projects, where the density from a mixed use project is distributed outside the Activity Center boundary:

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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 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. ~~One or more~~ Two zoning overlays have been ~~will be~~ 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: Mix of residential and commercial uses are permitted. For such development, commercial uses are limited to C-1 through C-3 zoning district uses; 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 with the buildings oriented closer to the major roadway 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 and except as may be limited by a zoning overlay.
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 Airport-Pulling Road are allowed a maximum density of 12 residential units per acre. 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 #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” 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), and as may be amended. 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~~.
- ~~5. Properties with access to Bayshore Drive, are allowed a maximum density of 12 residential units per acre. 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 must comply with the standards identified in Paragraph #8, below. 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.~~
5. Properties having frontage on one or more of Bayshore Drive, Davis Boulevard, Airport-Pulling Road or US 41 East, are allowed to develop as a residential-only project at a maximum density of 8 residential units per acre. In order to be eligible for this higher density the development must comply with the following:
 - a. Project must be in the form of a PUD.
 - b. Project site must comprise a minimum of three acres.
 - c. 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.
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 paragraph 5, above. In either instance, 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. A zoning overlay may be developed for these properties within the Mixed Use Activity Center to provide specific development standards.

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 paragraphs #4 and #5 above, mixed use projects within the Bayshore/Gateway Triangle Redevelopment Overlay must comply with the following 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:
 - ~~a. Buildings containing only commercial uses are limited to a maximum height of three stories.~~
 - ~~b. Buildings containing only residential uses are limited to a maximum height of three stories except such buildings are allowed a maximum height of four stories if said residential buildings are located in close proximity to US 41.~~
 - ~~c. Buildings containing mixed use (residential uses over commercial uses) are limited to a maximum height of four stories.~~
 - ~~d. Hotels/motels will be limited to a maximum height of four stories.~~
 - ~~e. For mixed use buildings, commercial uses are permitted on the first two stories only.~~
 - ~~f. Each building containing commercial uses only is limited to a maximum building footprint of 20,000 square feet gross floor area.~~
 - ~~g. One or more zoning overlays may be adopted which may include more restrictive standards than listed above in Paragraphs a-f.~~
9. For density bonuses provided for in paragraphs #4 and #5 above, base density shall be as 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.
- ~~9-10.~~ For all properties outside of the Coastal High Hazard Area, any eligible density bonuses, as provided in the Density Rating System, are in addition to the eligible density provided herein. However, for properties within the Coastal High Hazard Area (CHHA), only the affordable-workforce housing density bonus, as provided in the Density Rating System, is 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.
- ~~10-11.~~ 11. A maximum of 388 dwelling units are permitted to be utilized in this Overlay for density bonuses, as provided in paragraphs #4 and #5 above, for that portion of the Overlay lying within the CHHA only. 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. The “mini triangle” catalyst project is not subject to this density bonus pool.
- ~~11-12.~~ 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.

PROJECT DESCRIPTION

This petition proposes to modify the B/GTRO, and related FLUE provisions, in effort to promote more development/redevelopment within this area.

ZONING AND FUTURE LAND USE DESIGNATION:

The B/GTRO contains an array of commercial and residential zoning districts and is divided between two zoning overlays, Bayshore Mixed Use District (BMUD) and Gateway Triangle Mixed Use District (GTMUD). Besides the B/GTRO itself, the Future Land Use designations are: Urban Mixed Use District/Urban Coastal Fringe Subdistrict (lying south of US 41 East) and Urban Residential Subdistrict; Urban Commercial District/Mixed Use Activity Center Subdistrict (#16 – see *attached* map); and, all but that portion lying east of Airport-Pulling Road and north of US 41 East lies within the Coastal High Hazard Area. (The new CHHA proposed as part of the EAR-based GMP amendments, scheduled for adoption in early 2013, would encompass some of those properties east of Airport-Pulling Road.)

STAFF ANALYSIS:

Section A of the petition provides some history of the B/GTRO. In short, the Community Redevelopment Agency (CRA) was established in 2000, a redevelopment plan was approved by the BCC for the area in 2000, and the B/GTRO was adopted into the GMP later that same year. The purpose of the B/GTRO was (and is) to encourage the revitalization of this area and provide incentives to the private sector to do so. The Overlay provides for a bonus density pool of 388 dwelling units, derived from the then residential zoning of the site of the Botanical Gardens, which may be awarded to mixed use projects as an incentive. Utilization of this bonus density pool results in a reallocation of those 388 dwelling units rather than an increase of density as typically occurs thru the rezone process under the Density Rating System in the FLUE. Two zoning overlays have been established in the Collier County Land Development Code (LDC) to implement the B/GTRO (BMUD, Bayshore Drive Mixed Use Overlay District, Section 2.03.07I.3. & 4.; and, GTMUD, Gateway Triangle Mixed Use Overlay District, Section 2.03.07N.3. & 4). The bonus units may be awarded by the BCC via approval of a Mixed Use Project (MUP) petition – until all 388 bonus density pool units are awarded.

The proposed amendment does *not* change the B/GTRO boundaries, and does *not* change the bonus density pool unit total – it remains at 388 units. The amendment does expand the area within the existing B/GTRO boundaries that is eligible to use the bonus density pool for mixed use projects, with the same cap at 12 DU/A, and introduces a new allowance for residential-only projects to use the bonus density pool, with a cap of 8 DU/A. The internally expanded area is to the north side of Davis Blvd., the east side of Airport-Pulling Road, and into the Mixed Use Activity Center #16 centered around the intersection of US 41 East and Airport-Pulling Road.

The LDC contains the same development standards as are found in the B/GTRO and proposed for deletion (Sec. 4.02.16 & 4.02.35). Having these standards in the LDC only allows for a site-specific request for deviation or variance, which can be evaluated on a case by case basis. There are no such deviation or variance provisions to GMP requirements and limitations (except as specifically provided for in state law or Rule, e.g. Area of Critical State Concern).

Exhibit B within Section B of the petition is a map showing the two zoning overlays, underlying zoning districts, and the Activity Center boundary. Viewing this map reveals there is a significant amount of commercial zoning within the B/GTRO. Also, viewing the parcel lines reveals there are few large parcels – other than pre-existing PUDs – available for

redevelopment; aggregation of properties will be necessary for most moderate to large size projects to develop.

Exhibit D within Section B of the petition consists of various communications supportive of the proposal to internally expand areas eligible for mixed use development and to allow use of bonus density pool units for residential-only development.

Environmental Impacts:

This is not a site-specific amendment, rather affects an entire Overlay. Further, the amendment does not allow development beyond that which is already allowed, rather provides for an additional means of distributing the already approved density pool of bonus units.

Historical and Archeological Impacts:

This is not a site-specific amendment, rather affects an entire Overlay. Further, the amendment does not allow development beyond that which is already allowed, rather provides for an additional means of distributing the already approved density pool of bonus units.

Traffic Capacity/Traffic Circulation Analysis and Impacts:

A traffic impact analysis has not been prepared. Staff did not require this as the amendment does not increase the overall allowable development density or intensity, rather allows for a reallocation of development within the Overlay.

Public Facilities Impacts:

Because the amendment does not increase the overall allowable development density or intensity, rather allows for a reallocation of it within the Overlay, there should be no increased impacts upon level of service standards for public facilities - water, wastewater, solid waste, drainage, parks and recreation, schools, libraries, EMS, police, fire, etc.

FINDING AND CONCLUSIONS:

- As a result of this amendment, there are no significant impacts to public facilities, as defined in the Capital Improvement Element with respect to arterial and collector roads, storm water drainage, portable water, sanitary sewer, solid waste, community and regional parks.
- No increased impacts to natural resources are expected as a result of this amendment.
- This amendment does not alter the boundaries of the B/GTRO nor change the number of bonus density pool units available for reallocation within the B/GTRO.
- The expansion of areas eligible to use the bonus density pool units, as well as the allowance for residential-only projects to use the bonus density pool units, may provide a viable incentive to spark development/redevelopment interest within the B/GTRO.

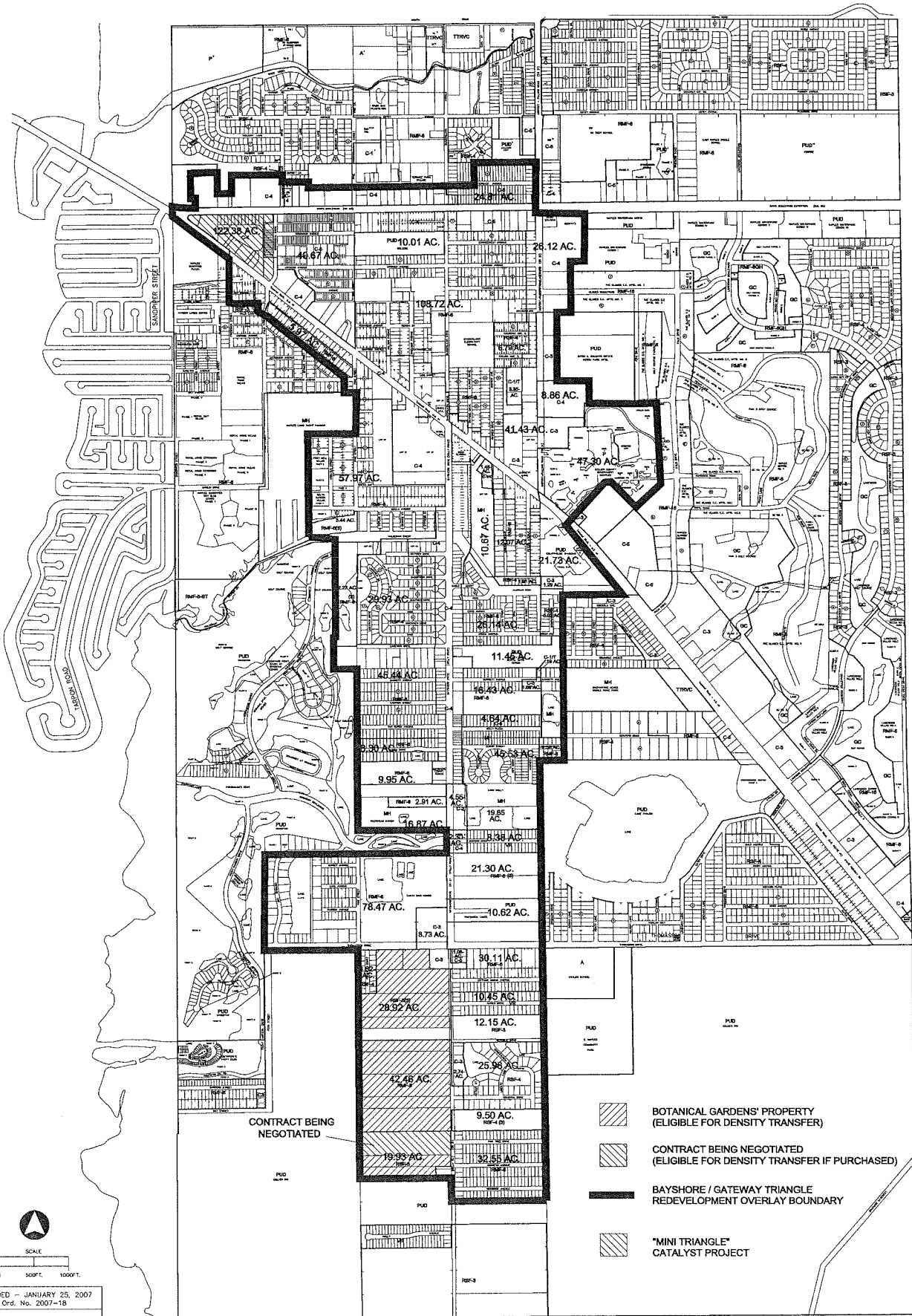
LEGAL CONSIDERATIONS:

This Staff Report has been reviewed and approved by the County Attorney's office. - HFAC

STAFF RECOMMENDATION:

Staff recommends that the Collier County Planning Commission forward Petition CP-2012-3 to the Board of County Commissioners with a recommendation to approve for transmittal to the Florida Department of Economic Opportunity.

BAYSHORE / GATEWAY TRIANGLE REDEVELOPMENT OVERLAY



AMENDED - JANUARY 25, 2007
Ord. No. 2007-18

PREPARED BY: GRAPHICS AND TECHNICAL SUPPORT SECTION
COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION
DATE: 2/2006 FILE: BAYGATE-OVERLAY-1C.DWG





ACTIVITY CENTER #16

TAMIAMI TRAIL (U.S. 41) - AIRPORT-PULLING ROAD (C.R. 30)
 Collier County, Florida

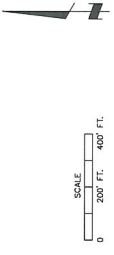
AMENDED - SEPTEMBER 9, 2003
 (Ord. No. 2003-43)

AMENDED - SEPTEMBER 13, 2011
 (Ord. No. 2011-26)

LEGEND

-  ACTIVITY CENTER BOUNDARY
-  EXISTING ZONING
-  DEVELOPED LAND USE
-  EXISTING BUILDINGS AND STRUCTURES

(SEE EXHIBIT MAPS FOR EXISTING ZONING AND DEVELOPED LAND USE)



PREPARED BY: CSE/CAD MAPPING SECTION
 DATE: 9/2011
 FILE: AC16-2010.DWG

