



## STAFF REPORT

**TO:** COLLIER COUNTY PLANNING COMMISSION  
**FROM:** GROWTH MANAGEMENT DEPARTMENT, ZONING DIVISION  
 COMPREHENSIVE PLANNING SECTION

**HEARING DATE:** October 1, 2020

**SUBJECT:** *PETITION PL20190000696/CPSS-19-10, SMALL SCALE GROWTH MANAGEMENT PLAN AMENDMENT [ADOPTION HEARING] (Companion to PL20190000697, One Naples PUDZ)*

**ELEMENTS:** FUTURE LAND USE ELEMENT (FLUE)

### PETITIONER/AGENTS

Petitioner: Keith Gelder, Vice President  
 Vanderbilt Naples Holdings, LLC  
 2639 Professional Circle, Suite 101  
 Naples, Florida 34119

Agents: Robert J. Mulhere, FAICP  
 Hole Montes, Inc.  
 950 Encore Way  
 Naples, Florida 34110

Richard Yovanovich, Esq.  
 Coleman Yovanovich & Koester, PA  
 4001 Tamiami Trail North, Suite 300  
 Naples, Florida 34103

### GEOGRAPHIC LOCATION

The two-part subject site, consisting of ±5.42 acres, comprises a portion of the block located immediately north of the County's Vanderbilt Beach Parking Garage, generally bounded on the south by Vanderbilt Beach Road (CR 862), Gulf Shore Drive on the west, and by South Bay Drive on the north and east, in Section 32, Township 48 South, Range 25 East. This part of the site also comprises all of Gulf Shore Court, an unnamed alley, and a westerly segment of Center Street. The second part of the subject site comprises a portion of mid-block waterfront lots located on Vanderbilt Lagoon.

### REQUESTED ACTION

This petitioner seeks to eliminate portions of an existing District and Subdistrict in order to establish a new Subdistrict in the FLUE text, and FLUE Future Land Use Map and Map Series of the Growth Management Plan (GMP), affecting fewer than ten (10) acres, by amending:

- 1) Policy 1.5 of the Urban Mixed Use District to remove a portion of the existing Urban Residential Subdistrict, and replace with the Vanderbilt Beach Road Mixed Use Subdistrict;

- 2) the Urban Designation, Urban – Mixed Use District to establish the new Subdistrict provisions, and increase commercial intensity;
- 3) the FLUE’s Density Rating System to provide exceptions for the new Subdistrict;
- 4) the FLUE Future Land Use Map Series listing to add the title of the new Subdistrict map; and,
- 5) the FLUE Countywide Future Land Use Map to depict the new Subdistrict and adding a new Future Land Use Map Series inset map that depicts the new Subdistrict.

The Subdistrict language proposed by this amendment is found in Ordinance Exhibit “A”.

**PURPOSE AND DESCRIPTION OF PROJECT**

The petitioner proposes to establish the Vanderbilt Beach Road Mixed-Use Subdistrict that allows development of the property with multi-family residential units at a density of 31.7 DU/A, along with a mix of non-residential uses *[commercial (C-4) zoning-intensity uses, including a hotel]* and a marina.

The FLUE’s Urban Mixed Use District permits water-dependent and water-related land uses within the coastal region of this District. Mixed-use sites of water-dependent and water-related uses and other recreational uses may include water-related parks, marinas (public or private), yacht clubs, and related accessory and recreational uses, such as boat storage, launching facilities, fueling facilities, and restaurants. Any development that includes a water-dependent and/or water-related land use shall be encouraged to use the Planned Unit Development technique and other innovative approaches to conserve environmentally sensitive areas and to assure compatibility with surrounding land uses.

The County’s Land Development Code allows for marinas as permitted uses in the C-3 and C-4 Districts. The County’s Manatee Protection Plan (NR-SP-93-01) May 1995, provides the process to determine the number of wet slips, the construction of dry storage facilities, and boat ramps, based upon the Plan’s marina siting criteria.

**STAFF ANALYSIS**

**FUTURE LAND USE DESIGNATIONS, ZONING AND LAND USES:**

**Existing Conditions:**

Subject Property: The subject property, which comprises approximately 5.42 acres, is currently designated the Urban Mixed Use District, Urban Residential Subdistrict and is intended to accommodate a variety of residential and non-residential land uses, including mixed-use developments such as Planned Unit Developments. It is zoned C-3, Commercial Intermediate zoning district and developed with a variety of small businesses. Its commercial development potential ranges from a minimum of approximately 47,630 to 100,000 square feet of C-3 uses.

Urban Residential Subdistrict properties are limited to urban residential development and uses “consistent by policy” through provisions of the FLUE; Properties “consistent by policy” may be developed as zoned (C-3) and are eligible for conversion of commercial zoning density bonus of up to sixteen (16) DU/A (notwithstanding that the site is in the CHHA).

It also lies seaward of the Coastal High Hazard Area (CHHA) boundary. CCME Policy 12.2.5 of the Conservation and Coastal Management Element (CCME) defines the CHHA, *“The County shall consider the CHHA as a geographical area lying below the elevation of the Category 1 storm surge line as presently defined in the 2011 Southwest Florida Regional Planning Council’s Hurricane Evacuation Study, or subsequently authorized storm surge or evacuation planning studies coordinated*

Underlined text proposed to be added; ~~struck through~~ text proposed to be deleted.

Attachment: CPSS-19-10 Vanderbilt Beach Rd stff rpt\_FNLL2 (13678 : PL20190000696 – GMPA – Vanderbilt Beach Road Mixed-Use

by the Collier County Bureau of Emergency Services and approved by the Board of County Commissioners.”

The CHHA Overlay in the FLUE states, in part, “The CHHA boundary is generally depicted on the Future Land Use Map and is more precisely shown in the Future Land Use Map series; all lands lying seaward of that boundary are within the CHHA. The Capital Improvement Element and Conservation and Coastal Management Element both contain policies pertaining to the expenditure of public funds for public facilities within the CHHA.” Here, the CHHA Overlay has the effect of limiting maximum density to sixteen (16) DU/A. By example, this proposal also requests that the parts of the CHHA that limit density and would otherwise cap the number of residential units be exceptions from the FLUE’s Density Rating System (DRS). The key provisions of the DRS that would otherwise add or subtract residential density are:

2. Density Bonuses

Consistency with the following characteristics may add to the base density. Density bonuses are discretionary, not entitlements, and are dependent upon meeting the criteria for each bonus provision and compatibility with surrounding properties, as well as the rezone criteria in the Land Development Code.

a. Conversion of Commercial Zoning Bonus:

If a project includes the conversion of commercial zoning that has been found to be “Consistent By Policy” through the Collier County Zoning Re-evaluation Program (Ordinance No. 90-23), then a bonus of up to 16 dwelling units per acre may be added for every one (1) acre of commercial zoning that is converted to residential zoning. These bonus dwelling units may be distributed over the entire project. The project must be compatible with surrounding land uses.

3. Density Reduction

Consistency with the following characteristic would subtract density:

a. Coastal High Hazard Area

If the project lies within the Coastal High Hazard Area, one dwelling unit per gross acre shall be subtracted from the eligible base density of four dwelling units per acre – except for those properties within the Coastal High Hazard Area in Section 1, Township 50 South, Range 25 East. The Coastal High Hazard Area boundary is generally shown on the Future Land Use Map and is more precisely shown in the Future Land Use Map series; all lands lying seaward of that boundary are within the Coastal High Hazard Area.

These provisions would amount to a maximum density of no more than sixteen (16) DU/A, or 87 residential units. Density above this is an ask.

The subject property also lies within the boundaries of the Northwest Transportation Concurrency Management Area (TCMA). Certain FLUE Policies under TCMA may not be applicable or evaluated on a link by link basis.

Attachment: CPSS-19-10 Vanderbilt Beach Rd stff rpt\_ FNLL2 (13678 : PL20190000696 – GMPA – Vanderbilt Beach Road Mixed-Use

Surrounding Lands:

North: The Future Land Use Map designates land immediately north of the subject property as Urban Residential Subdistrict. It is zoned RSF-3 and is developed with [a portion of] Barefoot Pelican Condominiums and constitutes [a portion of] the Lagoon.

East: The Future Land Use Map designates land located east of the subject property, Urban Residential Subdistrict. This area is zoned C-3 and is developed with [a portion of] Barefoot Pelican Condominiums and a business office.

South: The Future Land Use Map designates land lying south of the subject property as Urban Residential Subdistrict. This area is zoned Pelican Bay Planned Unit Development (PUD) and is developed with this planned development, including the Vanderbilt Beach Parking Structure.

West: The Future Land Use Map designates land west of the subject property as Urban Residential Subdistrict. This area is zoned as Residential Tourist - Vanderbilt Beach Residential Tourist Overlay and is developed with beachfront residential development.

In summary, Vanderbilt Beach Road defines the boundary between the Urban-designated Residential area and the Coastal Urban-designated Residential area. The existing and planned land uses, and current zoning, in the area immediately surrounding the subject property are primarily residential tourist-based.

**Criteria for GMP Amendments in Florida Statutes**

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

Identification and Analysis of the Pertinent Criteria in Florida Statutes, Chapter 163.3187, to Qualify as a Small-Scale Comprehensive Plan (GMP) Amendment:

The process for adoption of small-scale comprehensive plan amendment requires (in part) the following statutory standards be met, *[followed by staff analysis in bracketed text]*.

- (1) A small scale development amendment may be adopted under the following conditions:
  - (a) The proposed amendment involves a use of 10 acres or fewer. *[The amendment pertains to a 5.42-acre± property.]*
  - (b) The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government’s comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section. *[This amendment involves site-specific Future Land Use text and map changes.]*
  - (c) The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). *[The subject property is not within an Area of Critical State Concern.]*

Attachment: CPSS-19-10 Vanderbilt Beach Rd stff rpt\_FNLL2 (13678 : PL20190000696 – GMPA – Vanderbilt Beach Road Mixed-Use

- (4) Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177. *[The amendment preserves the internal consistency between and among GMP elements.]*

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

The process for adoption of a comprehensive plan amendment requires (in part) that plan amendments shall be based upon relevant and appropriate data and an analysis by the local government,

- (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, Florida Statutes:

The process for adoption of a comprehensive plan amendment requires (in part) that plan amendments shall be based upon surveys, studies and data regarding the area,

Attachment: CPSS-19-10 Vanderbilt Beach Rd stff rpt\_ FNLL2 (13678 : PL20190000696 – GMPA – Vanderbilt Beach Road Mixed-Use

- 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:

The process for adoption of a comprehensive plan map amendment [which this is] requires (in part) that plan amendments shall be based analyses of the availability of facilities and services, the suitability of the plan amendment for its proposed uses, and of the minimum amount of land needed to achieve the goals and requirements of the existing subdistricts, overlays and special designations, within which land use programs and activities are ultimately directed.

- (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.

The data and analysis provided by the petitioner included surrounding heights and densities.

**Appropriateness of the Site and the Change:**

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Underlined text proposed to be added; ~~struck through~~ text proposed to be deleted.



The requested amendment will allow for nearly double the residential density, from 16 residential units per acre (UPA) to 31.7 UPA, along with a small amount of commercial square footage and a marina.

Petitioner’s Residential Needs Analysis:

A typical residential needs analysis was not provided. The petitioner submitted a *Justification & Supplemental Information*, dated May 29, 2020 (Exhibit V.D.1). In this document, one can find the applicant’s information regarding the residential uses proposed.

Traffic Capacity/Traffic Circulation Impact Analysis, Including Transportation Element Consistency Determination:

JMB Transportation Engineering, Inc. submitted a *Traffic Impact Analysis* (Exhibit V.E.3), updated to March 5, 2019. Collier County Transportation Planning staff reviewed the *Analysis* and provide the following [bracketed] evaluation:

[Capacity is available on County roadways to accommodate (traffic generated by) this project; therefore, the proposal is consistent with Policy 5.1 of the Transportation Element.

The companion PUD document for this commercial project contains a developer commitment limiting the maximum number of p.m. peak hour two-way trips under any development scenario.]

[Michael Sawyer, Project Manager  
Transportation Planning Section]

Environmental Impacts:

The subject property is 5.42 +/- acres and site is developed with a snack shop, convenience store, multi-family residential building, and various surface parking lots.

It is not designated as being located within a County Wellfield Protection Area.

Collier County Development Review Division staff reviewed the *Report* and provide the following [bracketed] evaluation:

[The subject property is 5.42 acres. The acreage of native vegetation on site has been field verified by staff during review of the Planned Unit Development (PUD) for the project. The project is currently zoned Commercial (C-3).

The proposed GMP amendment will not affect the requirements of the Conservation and Coastal Management Element (CCME) of the GMP. Native vegetation on site will be retained in accordance with the requirements of CCME Policy 6.1.1 and LDC section 3.05.07. The petition also includes a proposed marina, which will require a review for consistency with the Manatee Protection Plan in accordance with CCME Policy 7.2.1 and LDC section 5.05.02 at time of site development (SDP) review.]

[Craig Brown, Environmental Specialist,  
Environmental Planning Section  
Development Review Division]

One can find applicant’s information regarding the CCME Objectives 6.3 and 7.2, submitted as *Justification & Supplemental Information*, regarding the County’s Manatee Protection Plan, and Marina Siting Criteria.

**Public Facilities Impacts:**

The petitioner submitted a *Public Facilities Report*, dated May 21, 2019 (Exhibit V.E.1). Staff reviewed the *Report* and provide the following [bracketed] remarks:

- Potable Water and Wastewater Treatment Systems: The subject property lies within the service areas of the Collier County Water-Sewer District’s regional water treatment plant and North County Water Reclamation Facility. Both plants have adequate treatment capacity to treat wastewater generated by this project, and this project will not have a significant impact on potable water and wastewater treatment systems, as defined in CIE Policy 1.2.

The site is within an area identified in the 2019 AUIR as having a known wastewater collection/transmission system constraint, which will be addressed in FY 2021-2022 with construction of Master Pump Station (MPS) 101.12 and associated piping. The PUD for this project will include a commitment to connect to the collection system tributary to this new master pump station to avoid overloading Pump Station 101.05 and its collection system, which presently convey wastewater from the properties in the Vanderbilt Beach Center subdivision.

Sanitary sewer facilities throughout the Collier County Water-Sewer District are designed to be watertight. Therefore, sewer systems constructed in the Coastal High Hazard Area have no special requirements pursuant to Policy 12.2.6.]

*[Eric Fey, P.E., Senior Project Manager  
Public Utilities Department]*

- Solid Waste Collection & Disposal: The solid waste disposal service provider is Collier County Solid Waste Management. The 2019 AUIR notes that the County projects more than 50 years of remaining landfill capacity [as does the pending 2020 AUIR].
- Stormwater Management System: The *Facilities Report* indicates stormwater retention and detention will comply with the SFWMD requirements, and, State and County standards for off-site [stormwater] discharges will be met.
- Emergency Medical (EMS) and Fire Rescue Services: The subject property is located within the North Naples Fire & Rescue District, who’s collocated EMS/fire station is located on the south side of Vanderbilt Beach Road, approximately 1.0 miles to the east.
- Schools and school-related facilities, and parks and recreational facilities were evaluated for their impacts by the proposed amendment as part of companion PUD submittal materials.

**NEIGHBORHOOD INFORMATION MEETING (NIM) SYNOPSIS**

The application team held a Neighborhood Information Meeting (NIM) at the Saint John the Evangelist Catholic Church, Ballroom, 625 111th Avenue North, Naples on Tuesday, March 3, 2020 at 5:30 p.m. as required by the LDC. This NIM was advertised, noticed and held jointly for this GMP amendment petition and companion One Naples MPUD rezone petition (PL20190000697).

Approximately 450 people other than the application team (inc. engineering and audio and video technicians) and County staff attended.

On behalf of the applicants, Brian Stock, CEO, from Stock Development, Keith Gelder, Vice President of Land Development, from Stock Development, Chris Johnson, Director of Land Development, from Stock Development, Claudine Leger-Wetzel, Vice President of Sales and Marketing, from Stock

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Attachment: CPSS-19-10 Vanderbilt Beach Rd stff rpt\_FNLL2 (13678 : PL20190000696 – GMPA – Vanderbilt Beach Road Mixed-Use



Development, Robert Hall, AIA, President, from CGHJ Architects, Christopher Mitchel, PE, Vice President of Operations, from JRE Engineering, James Banks, PE, President, from JMB Transportation, Richard Yovanovich, Esq., from Coleman, Yovanovich & Koester, PA, Robert Mulhere, FAICP, President, from Hole Montes, Hunter Booth, President, from Booth Design Group, and Tina McCain, from Matte, Gravina, Smith Matte & Arnold.

County representatives, James French, Deputy Department Head, from the Growth Management Department, Ray Bellows, AICP, Zoning Manager, from the Zoning Services Section, James Sabo, AICP, Principal Planner, from the Zoning Services Section, and Corby Schmidt, AICP, Principal Planner, from the Comprehensive Planning Section, Growth Management Department, Zoning Division, were in attendance.

Mr. Mulhere started the presentation by introducing himself, the other consultants, and County staff. He explained the NIM process, process for approval, and provided an estimated hearing & project timeline. Claudine Leger-Wetzel introduced key participants in this project, gave a brief history of Stock Development companies, and an overview of existing Stock Development residential communities. The promotional video prepared for this project was shown. Brian Stock explained how the (bulk of the) property was acquired through public bid in 2015, after being underdeveloped and unavailable for many years. Additional properties were acquired to assemble the contiguous property now being considered. He described a highly amenitized 'luxury' project, with rental units that will be long-term lease restricted.

Jim Banks gave an overview of 240 residential / 25,000 commercial split = 275 PM peak hr. trips; the trip capacity on Vanderbilt Beach Rd. and Gulf Shore Drive; how pedestrian traffic at intersections cause vehicular traffic delays, and; how interactions at the parking garage need serious attention.

Keith Gelder provided an overview of the project and the history of the site. Mr. Gelder went on to explain the existing C-3 zoning and its permitted uses. He explained the proposed improvements to the surrounding area, specifically landscaping adjacent to South Bay Drive, Gulf Shore Drive, and Vanderbilt Beach Drive; sidewalks, improved street lighting, and bike lanes along the both sides of Southbay Drive; a sidewalk and street lighting along the portion of Gulf Shore Drive adjacent to the property; public art on the property, and then provided an overview of the marina portion of the project.

Mr. Banks went to explain that the project team is currently working with Collier County on potential upgrades to the public Vanderbilt Beach Parking Garage to help alleviate traffic on Vanderbilt Drive. These upgrades may include technology that keeps track of available parking, which then broadcasts that information to additional signage along Vanderbilt Beach Road; and operational improvements such as setting up an automated payment booth to allow users to pay when exiting the garage. Mr. Banks then explained the Traffic Impact Statement (TIS), including the fact that under the existing C-3 zoning the property can support at least 100,000 square feet of a mix of various C-3 uses, including retail, office and restaurant uses./ This would generate approximately 491 PM peak hour trips. Under the proposed MPUD zoning and resulting development scenario of 240 residential dwelling units and 25,000 square feet of retail uses, approximately 275 PM peak hour trips are generated. Mr. Banks then provided a brief summary of the TIS methodology and how trips are calculated.

Following the presentation Mr. Yovanovich led a Q & A session from the public.

This lasted approximately two hours and included feedback from the public, most of which was general commentary on and various reasons for opposing the project. Most of this feedback focused on the Planned Unit Development, not the Growth Management Plan Amendment, aspects of the request.

Audience asked about lack of building renderings. They will be shown.

A speaker announced County Board members, who are those to be contacted.

Beachwalk resident, pointed out this area has traffic problems now; the proposal fails to focus on people who are here, but on changing 'our' quality of life.

What's being proposed, is not justified by what's in submitted materials. Problems inherent by Vanderbilt Beach Rd. street-width limits; same for Gulf Shore Drive, with biker-cart-pedestrian issues; proposed variances conflict with safety standards.

Scenery & improvements to garage area overviewed; read from Stock (development) strategic plan. Serious causes for concern if site is approved and overbuilt; liability to the County if tragedy at site, while only Stock and home-buyers, benefit.

School at 111<sup>th</sup> St., and its surrounding neighborhood to protect. 91<sup>st</sup> St. and beyond were found not part of the TIS/required traffic study. Traffic issues at The Regatta at Vanderbilt Beach were detailed, with examples of parking, loading/unloading, congestion and emergency situations; Developer forewarned / asked to work within these same type of constraints. Another person observed how people described their traffic experiences; before/after studies are off, people driving to site will not be as pleased with on-road characteristics. Remember to consider the (shorter-term) placement and (longer-term) parking for emergency vehicles.

*Rich Yovanovich explained the developers are not asking for open space deviations or reductions.*

One man listed specific unacceptable characteristics; asked that they reduce density, height, landscaping to be more like development is around them; doesn't fit 'beach area characteristics';

One woman living near 109<sup>th</sup> St. and Vanderbilt Beach Rd. highlighted traffic problems; no sidewalks; will dictate more police; tax impacts; absent landlords; *Rich Yovanovich countered with an impact fee explanation.*

One man questioned the number of residential units per floor; The answer was given as 5 residential units/floor in the tall, residential towers; 6 residential units/floor other residential bldgs.; Open space is an issue. Another man warned how too many exemptions are proposed, with a final reminder to appeal to [County] commissioners.

Mr. Gelder again provided the timeline for zoning approval and the construction timeline. Summer 2023.

The Information Meeting was ended at approximately 8:15 p.m.

This synopsis provides the annotated NIM proceedings. An audio recording of the entire Neighborhood Information Meeting is available at CityView Documents and Images site, under the PL2019000697 project number. PowerPoint images and print materials are also copied at this location.

*[Synopsis prepared by C. Schmidt, AICP, Principal Planner]*

**FINDINGS AND CONCLUSIONS**

- This amendment will allow for an increase to the residential density, from 16 residential units per acre (UPA) to 31.7 UPA. It will limit commercial uses to 10,000 square feet, allow up to 172 residential or hotel units, and a marina.
- The site lies within the Coastal High Hazard Area (CHHA) Overlay. The FLUE Density Rating System reduces the eligible base density in the CHHA by one – from 4 residential units per acre (UPA) to 3 UPA. The FLUE's Density Rating System would have the effect of allowing maximum density in the CHHA Overlay to sixteen (16) DU/A.

Underlined text proposed to be added; ~~struck through~~ text proposed to be deleted.

Attachment: CPSS-19-10 Vanderbilt Beach Rd stff rpt\_FNLL2 (13678 : PL2019000696 – GMPA – Vanderbilt Beach Road Mixed-Use

- No issues were identified regarding impacts to potable water, wastewater collection and treatment or solid waste collection and disposal services. Schools and school-related facilities, and parks and recreational facilities were evaluated for their impacts by the proposed amendment as part of companion PUD submittal materials.
- The requirements of the Conservation and Coastal Management Element (CCME) Policy 12.1.2 will be met when providing 174 cots and one enclosed trailer to County Emergency Management.
- The site lies within the Northwest Transportation Concurrency Management Area, where traffic management strategies are employed to reduce traffic impacts.
- Residents attending the Neighborhood Information Meeting expressed a strong consensus opposing development of the property as proposed.
- A companion PUD rezone petition has been submitted concurrent with this GMPA petition. The development standards found in the PUD will determine the overall density and intensity of the proposed petition. Any adjustments to the PUD will then be reflected in the proposed GMPA.

**LEGAL CONSIDERATIONS**

The Office of the County Attorney reviewed this report on September 23, 2020. In addition to pertinent small-scale (GMP) amendment criteria in Florida Statutes, Section 163.3187 addressed above, the criteria for GMP amendments to the FLUE text 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 the County Planning Commission forward Petition PL20190000696/CPSS-19-10, to the Board of County Commissioners, with a recommendation to approve for adoption and transmittal to the Florida Department of Economic Opportunity, with the following modifications – as depicted below:

Note: Words underlined are added, words ~~struck through~~ are deleted – as proposed by petitioner; words double underlined are added, words ~~double struck through~~ are deleted – as proposed by staff. Italicized text within brackets is explanatory only – not to be adopted.

**FUTURE LAND USE DESIGNATION DESCRIPTION SECTION**

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**URBAN DESIGNATION**

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Urban designated areas will accommodate the following uses:

- Residential uses including single family, multi-family, duplex, and mobile home. The maximum densities allowed are identified in the Districts, Subdistricts and Overlays that follow, except as allowed by certain policies under Objective 5.
- Non-residential uses including:

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12. Commercial uses subject to criteria identified in the Urban - Mixed Use District, PUD Neighborhood Village Center Subdistrict, Office and Infill Commercial Subdistrict, Residential Mixed Use Neighborhood Subdistrict, Orange Blossom Mixed-Use Subdistrict, Buckley Mixed Use Subdistrict, Vanderbilt Beach/Collier Boulevard Commercial Subdistrict, Commercial Mixed Use Subdistrict, Henderson Creek Mixed Use Subdistrict, Livingston/Radio Road Commercial Infill Subdistrict, Vanderbilt Beach Road Neighborhood Commercial Subdistrict, Vincentian Mixed Use Subdistrict, Davis – Radio Commercial Subdistrict, Vanderbilt Beach Road Mixed Use Subdistrict; and, in the Urban Commercial District, Mixed Use Activity Center Subdistrict, Interchange Activity Center Subdistrict, Livingston/Pine Ridge Commercial Infill Subdistrict, Livingston Road/Eatonwood Lane Commercial Infill Subdistrict, Livingston Road Commercial Infill Subdistrict, Commercial Mixed Use Subdistrict, Livingston Road/Veterans Memorial Boulevard Commercial Infill Subdistrict, Goodlette/Pine Ridge Commercial Infill Subdistrict; Orange Blossom/Airport Crossroads Commercial Subdistrict, Logan Boulevard/Immokalee Road Commercial Infill Subdistrict, Seed to Table Commercial Subdistrict, in the Bayshore/Gateway Triangle Redevelopment Overlay; and, as allowed by certain FLUE policies.

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A. Urban Mixed-Use District  
49]

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20. Vanderbilt Beach Road Mixed Use Subdistrict

Purpose and Intent:

The Vanderbilt Beach Road Mixed-Use Subdistrict (VBRMUSD) is 5.42 +/- acres in size and is located at the northeast corner of the intersection of Vanderbilt Beach Road and Gulf Shore Drive, in Section 32, Township 48, Range 35. The purpose and intent of the mixed-use Subdistrict is to provide for greater intensity, density, and flexibility in applicable Site Design and Development Standards in order to promote redevelopment of the site with a resort tourism centered project, which shall include a mixture of residential and/or hotel, restaurant, retail, and waterfront marina uses, subject to the following requirements and limitations:

1. The Subdistrict shall be rezoned to Mixed Use Planned Unit Development (MPUD);
2. Multi-family residential and/or hotel units, not to exceed 172 total units;
3. A minimum of 40 residential units is required and shall be developed as a component of the initial Site Development Plan (SDP);
4. A maximum of 10,000 square feet of the following uses, as permitted under the C-3 zoning district is allowed:
  - a. Retail;
  - b. Restaurant;
  - c. Personal Services.

- d. Professional and Medical Offices
- 5. A marina, with boat slips limited to use by residents and guests only, except that a maximum of 4 slips may be leased to charter boats for public use, and a ship's store and marine fueling facility may be open public accessing the site from the water.
- 6. The MPUD shall include a maximum PM Peak Hour trip cap which will be the overriding limit on any combination of the above uses.

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B. DENSITY RATING SYSTEM [Page 50]

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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 5.3 of the Future Land Use Element.

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

10) The Vanderbilt Beach Road Mixed Use Subdistrict (VBRMUSD)

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FUTURE LAND USE MAP SERIES [Page 147]

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- Logan Boulevard/Immokalee Road Commercial Infill Subdistrict Map
- Mini Triangle Mixed Use Subdistrict Map
- East Tamiami Trail Commercial Infill Subdistrict Map
- Seed to Table Commercial Subdistrict Map
- Air Curtain Incinerator Facilities Map
- Vanderbilt Beach Road Mixed-Use Subdistrict

PETITION No.: PL20190000696/CPSS-19-10  
Staff Report for the October 1, 2020, CCPC meeting.

NOTE: This petition has been scheduled for the December 8, 2020, BCC meeting.