



Date: 9-24-21

To: City of Marco Island City Council

From: Dr. Margaret Banyan and Alexis Crespo, AICP

Re: Adoption Package, 2040 Comprehensive Plan

### Revisions and Process

This adoption package that is presented to you has incorporated changes that have arisen from two processes. 1) The expedited state review process has been completed where the City's transmittal package was reviewed by the Department of Economic Opportunity and other state agencies. 2) The City Council reviewed the transmittal draft on 9/7/21 and 9/20/21 to discuss and agree on additional changes.

The adoption package that is being presented incorporates the language that was generated through the expedited review process and amendments generated by the City Council. In addition, Council requested that the Consultants and Staff review any additional policies that may be needed to ensure consistency with Council's amendments.

To document these changes, we have provided the following:

- A) State agency comments and responses.
- B) The summary of council's discussion on 9/7/21 and 9/20/21 with Council recommendations.
- C) History of prior review(s)
- D) The adoption package of all elements and map series. Amendments made post-transmittal are shown in blue double-underline and blue double-strikethrough.
- E) A policy "cross-walk" that summarizes each change, source of change, and comments.

## A. State Agency Comments

### **Florida Department of Economic Opportunity (DEO): *Summary of Comments and Suggested Changes***

The review by DEO clarifies that the City may adopt its amendments without additional changes. However, DEO has provided technical assistance comments designed to strengthen the City's Comprehensive Plan.

The Department of Economic Opportunity ("Department") has reviewed the City of Marco Island proposed comprehensive plan amendment (Amendment No. 21-01ESR), received on July 27, 2021, pursuant to the expedited state review process in Section 163.3184(2)(3), Florida Statutes (F.S.). We have identified no comment related to adverse impacts to important state resources and facilities within the Department's authorized scope of review.

*Consultant Response: No changes needed.*

We are, however, providing three technical assistance comments consistent with Section 163.3168(3), F.S. The technical assistance comments will not form the basis of a challenge. They are offered either as suggestions which can strengthen the City's comprehensive plan in order to foster a vibrant, healthy community or are technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part 11, F.S. The technical assistance comments are:

Technical Assistance Comment: The proposed Future Land Use Element does not establish meaningful and predictable standards for the intensity of use for non-residential land uses allowed in the following future land use categories: Village Commercial; Community Commercial; Heavy Commercial; Town Center/Mixed Use; Planned Unit Development; Key Marco; Government Facilities; and residential land use categories allowing commercial use. The City should revise the Future Land Use Element to include meaningful and predictable standards for the intensity of use of non-residential land uses (e.g., floor area ratio) consistent with the requirements of Sections 163.3177(1) and 163.3177(6)(a)l., Florida Statutes.

*Consultant Response: No changes needed. The City's approach to establishing intensity is governed through the Land Development Code. Council previously advised that there was no desire to create intensity standards in the Comprehensive Plan.*

Technical Assistance Comment: Section 163.3178(2)(f), Florida Statutes, requires the Comprehensive Plan to identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state. Policy 6.1.2 defers to the City's Floodplain Management Ordinance and does not establish meaningful and predictable guidelines and standards in the Comprehensive Plan for the flood-resistant construction requirements/techniques. The City should revise Policy 6.1.2 to establish meaningful and predictable guidelines and standards that identify the flood-resistant construction requirements/techniques.

*Consultant Response: Amended Policy 6.1.2 to incorporate additional sub-policies to provide for the meaningful and predictable guidelines relating to flood-resistant construction techniques.*

Technical Assistance Comment: The proposed Capital Improvements Element amendments should be revised to include the requirement of Section 163.3180(2), F.S., that "Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent."

*Consultant Response: Amended Policy 1.3.1 to the Capital Improvements Element to reflect this TA Comment.*

### **Florida Department of Transportation (FDOT): *Summary of Comments and Suggested Changes***

The FDOT review supported and encouraged the City to continue its work on developing multimodal opportunities and network connections. Our response appears following the comment.

#### **FDOT Review Comment:**

FDOT determined the proposed amendment has no significant adverse impacts to transportation resources or facilities of state importance and will not form a basis of challenge.

*Consultant Response: No changes needed*

**FDOT Technical Assistance 1:** Consistent with the revisions to the Transportation Element of the City's Comprehensive Plan, FDOT encourages the City to promote the use of multimodal alternatives within the planning and development of communities that aid in mitigating potential transportation impacts, promote safety and economic development, and improve quality of life for all communities in the city. These development types help to decrease overall passenger vehicle trips on the roadway network by encouraging compact and dense developments that provide multimodal connectivity between existing and future development areas. This context sensitive approach promotes healthy, safe, and economically viable communities that encourages quality of life, and incorporates all modes of transportation.

*Consultant Response: No changes needed. We thank FDOT for its support of the revised Element.*

**FDOT Technical Assistance 2:** Consistent with the Policy 1.3.4 of the Transportation Element, FDOT encourages building a strong interconnected roadway network between neighborhoods and commercial land-use. As identified within the FDOT Context

Classification Guide an interconnected roadway network can reduce congestion on State facilities, provide alternative routes and shorter trips for roadway users.

*Consultant Response: No changes needed. We thank FDOT for its support of the revised Element.*

**FDOT Technical Assistance 3:** Please revise “Collier county Municipal Planning Organization” to “Collier County Metropolitan Planning Organization” under Objective 2.1 of the Intergovernmental Coordination Element.

*Consultant Response: Change made. We thank FDOT for its comment.*

### **South Florida Water Management District (SFWMD): Summary of Comments and Suggested Changes**

The majority of the comments provided by the SFWMD are related to the City’s Water Supply Plan that has not yet been adopted by the City. The Water Supply Plan is being facilitated through Jeff Poteet and scheduled for adoption October 2021 through January 2022.

The FGCU Consulting Team and Senior Planner Mary Holden met with the SFWMD representative Ms. Terry Manning on Monday August 30 to better understand her comments and determine timing. SFWMD indicated that adoption of the Comprehensive Plan was acceptable prior to the adoption of the Water Supply Plan. Ms. Manning stated that the SFWMD will not challenge the adopted amendments if Planner Holden can summarize the process for adopting the pending Water Supply Plan.

#### **Future Land Use Element**

- Revise Policy 5.1.1 to demonstrate how the City will coordinate future changes of land use with the availability of water supply and water supply facilities.

*Consultant Response: Policy 5.1.1 amended to address coordination of land use changes with the 10-year Water Supply Work Plan.*

#### **Infrastructure Element**

- The City is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the Lower West Coast (LWC) Water Supply Plan Update by the District’s Governing Board. The District’s Governing Board approved the LWC Water Supply Plan Update on December 14, 2017. Therefore, the City’s Work Plan was to be adopted by June 14, 2019; however, the District has not received the updated Work Plan for review to date. The City will need to include updated water demand projections for the identified planning period, identify alternative and traditional water supply projects, and conservation and reuse activities needed to meet the projected future demands. Planning tools are available on the District’s website for your use and District Staff are available to provide technical assistance to update the Work Plan, including reviewing draft Work Plans

prior to formal plan amendment submittal. The planning tools are located at this link: <https://www.sfwmd.gov/doing-business-with-us/work-plans>.

*Consultant Response: The City's pending Water Supply Plan will address this comment. In addition, a new sub-policy added to document a date certain for adoption of the updated Ten-Year Water Supply Facilities Work plan included (Policy 1.1.1.1).*

- The Element and the Section are not based on adequate and relevant data and analysis and is inconsistent with the requirements of Section 163.3177(1)(f), F.S. because the data and analysis is based on the City's 2013 Work Plan. Revise the Element and Section to be based on an updated Work Plan, as described in the comment above.

*Consultant Response: The City's pending Water Supply Plan will address this comment.*

- Revise Policy 1.2.4 to specify which water supplier in the City is being referred to. Include in the Policy how the supplier plans to increase capacity.

*Consultant Response: Policy 1.2.4 has been amended to specify Collier County.*

- Revise Objective 1.3 to describe what are considered as non-household consumptive uses. Expand the Objective to include the state of current household consumptive uses.

*Consultant Response: Objective 1.3 has been amended to expand household consumptive uses and provide examples of household and non-household consumptive use. The Glossary has also been amended to define consumptive use.*

- Revise Policy 1.3.1 to describe the City's present conservation program, which is being implemented and maintained.

*Consultant Response: Policy 1.31. has been amended to describe the City's present conservation program.*

### **Conservation and Coastal Management Element**

- Revise Policies 1.1.5, 1.2.2, and 1.4.3 to include specific ways in which the referenced programs and activities will be conducted or undertaken to achieve water conservation goals. Include when the referenced programs will be created.

*Consultant Response: Policies 1.1.5, 1.2.2, 1.4.3 have been amended to include specific ways in which the programs and activities will be conducted to achieve water conservation goals and when the programs will be created.*

- Revise Objective 1.2 to describe how the City works with and supports Collier County and the District to promote conservation and water quality. Include if any conservation efforts are needed to be updated and how they will be updated.

*Consultant Response: Policy 1.2.4 added to include the willingness to cooperate with Collier County, South Florida Water Management District, and update programs in the City's Ten Year Water Supply Facilities Work Plan.*

### **Intergovernmental Coordination Element**

- Revise Element to describe how the City coordinates with Collier County (with whom water service is provided to and provides water service to portions of the City), relevant agencies, and partners to ensure water services are planned for, adequately available, and provided to the water customers of the City. The information should address the following:

- o Needs for additional coordination activities.
- o Information on Memoranda of Understanding, bulk service agreements, contracts, etc.
- o Coordination with the LEC Plan Update.

*Consultant Response: Please refer to the revised Intergovernmental Coordination Element, amended to address the above comment.*

- Revise Policy 1.1.5 to clarify what public facilities are being referenced. Determine which entity is responsible for such facilities.

*Consultant Response: Policy 1.1.5 was amended to reflect the SFWMD comment.*

- Revise Objective 2.5, Policies 2.5.1 to 2.5.3 to reflect the updated data and analysis for the City's current intergovernmental coordination activities. Policy 2.5.3 should be revised to include which water supply activities the City will participate in.

*Consultant Response: The City's pending Water Supply Plan will address this comment. Policy 2.5.3 amended for more specificity.*

### **Capital Improvements Element**

- Revise Element to include a review of the existing Capital Improvements Element and the 5-Year Schedule of Improvements to identify any water supply projects to be implemented that will be needed in the first five years after adoption of the amendment and the public or private entity responsible for the project, even if the City is not responsible for the projects. This would include any Collier County projects, if applicable.

*Consultant Response: The City's pending Water Supply Plan will address this comment.*

- Policy 1.2.1 is not supported by adequate and appropriate data and analysis, including the established a City-wide Level of Service Standard (LOS), because the Policy is based on the City's 2013 Work Plan. A LOS should be established for each water provider that serves the City.

*Consultant Response: The City's pending Water Supply Plan will address this comment.*

### **General Comments**

- Include a policy for all documents that are being incorporated in the City's Comprehensive Plan by reference to identify the document by the title and author(s) of the document and indicate clearly what provisions and date or edition of the documents are being adopted, consistent with the requirements of Section 163.3177(1), F.S.

*Consultant Response: Policies amended where appropriate. The existing Comprehensive Plan will continue to reference the 2013 Water Supply Plan until such time as the new Ten Year Water Supply Facilities Work Plan is adopted. The City's Planning Staff will process any updates following its adoption.*

## B. Council Review 9/7/21 and 9/20/21

City Council Review of Comprehensive Plan September 7, 2021 and September 20, 2021 Meeting Notes and Documentation

The following summarizes the suggested amendments to the Comprehensive Plan at the September 7, 2021 and September 20, 2021 City of Marco Island Special Meetings. The memo is organized by a) Plan Element, b) Objective/Policy, c) Council recommendation and d) any notes by staff/consultants as may be applicable.

### **Future Land Use Element**

#### **GOAL 1 LIVABLE SMALL TOWN COMMUNITY**

PROTECT AND ENHANCE THE CITY OF MARCO ISLAND AS A HIGHLY LIVABLE COMMUNITY WITH AN EXCELLENT QUALITY OF LIFE, WHICH ENCOMPASSES ITS TROPICAL BEACHES, RESORTS AND RECREATIONAL AMENITIES, ABUNDANT NATURAL RESOURCES AND SENSITIVE COASTAL ENVIRONMENTS, AND SMALL-TOWN CHARM. FOR THE PURPOSES OF THIS PLAN, SMALL TOWN CHARM IS CHARACTERIZED BY MARCO ISLAND'S CONVENIENT COASTAL LIVING **CONSISTENT WITH LOW DENSITY AND INTENSITY**, A BALANCED MIX OF LAND USES TO SERVE LOCAL RESIDENTS, AND THE **VISITOR** POPULATION, AND A STRONG SENSE OF PLACE IDENTIFIED BY THE CITY'S UNIQUE HISTORY, ARCHITECTURE, SIGNAGE, LANDSCAPING, COMMUNITY FACILITIES, AND NATURAL ENVIRONMENT

Council:

- Incorporate “consistent with low density and intensity”; replace “tourist” with “visitor”
- Elsewhere in plan: Resort / tourists, replace with “residents, businesses, and those that they serve”

#### **Policy 1.2.2**

The City will facilitate a compact urban development pattern by concentrating more new growth in the form of redevelopment in mixed-use land use designations as a way to provide encourage, where appropriate, opportunities to more efficiently use infrastructure, land, resources, and services.

Council: Eliminate bonus density in comp plan.

#### **Policy 2.1.2**

The City will continue to thoroughly and thoughtfully review and revise, as necessary, the list of permitted uses within zoning districts contained in the adopted LDC. The purpose for the reviews will be to ensure: Compatibility between land uses, that the needs of residents and

tourists are met on-island to the extent possible, and that emerging and modern uses are addressed through the City's regulatory framework.

Council: Replace with residents, businesses, and those that they serve

**Policy 3.2.7**

The Planned Unit Development future land use category is intended for existing Planned Unit Development (PUD) zoning districts only, that were adopted by Collier County prior to the incorporation of Marco Island and adoption of the City's Comprehensive Plan. Densities, intensities and the permitted range of land uses in this category are regulated by the site-specific PUD zoning ordinance(s). Any increase to the adopted density or intensity will require a finding of consistency with all applicable provisions of this Plan.

Council: No change

**Transportation Element**

**Policy 1.1.1:**

The City's Transportation Map series, contained in this Plan, or as subsequently amended, is hereby adopted as the future transportation system for the City of Marco Island.

Council:

- Add: "Nothing in this policy obligates the City to expend public funds – insert in the policy
- Add to map: "proposed future CAT trolley route"

**Policy 1.1.2**

The City's transportation system will be consistent, to the extent possible, with the most current Long Range Transportation Plan (LRTP) of the Collier County Metropolitan Planning Organization (MPO), the roadway system established by Collier County, and the State of Florida Department of Transportation's Adopted Five-Year Work Program.

Council: No change

**Policy 1.2.5**

The City may seek easements where there are areas of limited right-of-way on private land for beach access and street amenities, including enhanced landscaping, street trees, lighting, street furniture, bicycle racks, transit bus stop improvements, or exercise stations.

Council: Remove policy

**Policy 1.4.4**

The City shall study, with the intent to adopt, a multimodal plan to assess, prioritize, and fund projects. This plan shall assess opportunities to create interconnections between modes, trip generators, and destinations.

Council: remove tourist. Replace with “residents, businesses, and those they serve”

Consultant note: The term ‘tourist’ or ‘visitor’ does not appear in the transportation element.

**Policy 1.4.5**

The City shall consider a mobility plan and fee as a mechanism to support and fund the City’s transportation system. When completed, the mobility plan and fee may replace the City’s transportation concurrency system.

Council: Replace shall with ‘may’; add definition of mobility plan to glossary

**Objective 1.6**

Promote an efficient public transit service, that is safe, convenient, and accessible to all ages and abilities by recognizing that public transit offers the opportunity to relieve traffic congestion, enhance livability, and support small town charm.

Council: No change

**General:** Question regarding what obligation the City has to fund a trolley service

Council: No change

**Housing Element**

**Objective 1.4**

Ensure the availability of adequate housing in residential zoning districts for the elderly and special needs populations.

Council: Replace “ensure” with “encourage, as appropriate”

**Infrastructure Element**

**Policy 1.3.4**

The City will continue, to the greatest extent possible, the installation of reclaimed water facilities to provide plan for cost-effective services to consumers.

Council: Replace “will” with “may”; remove “to the greatest extent possible”

**Policy 1.3.5**

The City will encourage the continued expansion of storage and distribution facilities for reclaimed water to commercial and residential properties in an effort to reduce the use of potable water for irrigation purposes.

Council: Change “will encourage” to “may allow for” (The City **may allow for** the continued expansion of storage and distribution facilities for reclaimed water to commercial and residential properties in an effort to reduce the use of potable water for irrigation purposes.)

**General Comment:** Have a provision for preparing to provide the massive need for high intensity electric power on the Island if the current trend on electric vehicles continues.

Council: No change

## **Conservation and Coastal Element**

### **Objective 1.1**

Manage surface and ground water to maintain and improve overall water body quality and to conserve bay and estuarine productivity and use for the enhancement of the environment and to allow for continued enjoyment of these resources by residents of Marco Island.

Council no change

### **Policy 1.1.3**

To protect health and enhance water quality, any remaining septic tank conversions and wastewater treatment package plants abatements that may affect Marco Island will comply with the timing and processes established by City Ordinances.

Council no change

### **Policy 1.2.1**

The City will consider the feasibility of utilizing and expanding the City's stormwater reuse program for landscape irrigation, to the extent that it will not increase negative impacts, such as nitrogen run-off.

Council: No revision

### **Objective 1.3**

Sustain the City's high ambient air quality from potential degradation.

Council: No revision

### **Objective 1.7**

Ensure protection of identified and potential wetlands by maintaining and enforcing a regulatory program for development in wetlands that is cost-effective, complements federal and State permitting processes, and protects the fragile ecological characteristics of wetland systems.

Council: Strike the word ‘potential’

**Policy 2.1.3**

The City will ensure that evacuation shelters meet or exceed Red Cross, Collier County, and State standards; and that facilities are provided to meet the needs of elderly and disabled persons.

Council: No revision

**Policy 2.1.4**

The City will continue to participate in regional collaborations, such as the SW Florida Resiliency Compact.

Council: replace “will” with “may”

**Parks, Open Space and Recreation**

Council: No change

**Intergovernmental Coordination****Objective 2.3**

Council: Change “shall” to “may”

**Capital Improvements Element**

Council: No changes

**Glossary**

Council: Add mobility plan and mobility fee

Consultant: Add transportation system

## C. History of Prior Review

The following discussion summarizes the prior revisions and input on the Comprehensive Plan. A more extensive history of revisions appears in the City Council Transmittal Cover Memo prepared for the 7/19/2021 Council meeting.

Comments from the following were vetted and incorporated throughout the planning process.

- Public input: Throughout
  - September 8, 2020; Virtual Town Hall Meeting (85 attendees)
  - December 12, 2020: In-person Town Hall Meeting (approximately 30+/- attendees)
  - March 30, 2021: Virtual Town Hall Meeting (119 registered; approximately 50 attendees)
  - Public On-Line Survey: 1,365 responses
  - Public-Facing Website
    - The public website included the existing Comprehensive Plan and proposed changes as the elements went through the review process.
    - Existing Comprehensive Plan: <https://www.cityofmarcoisland.com/growth-management/page/city-comprehensive-plan-0>
    - Proposed Comprehensive Plan with all copies of revisions: <https://www.cityofmarcoisland.com/growth-management/page/comprehensive-plan-update>
  - Email Comments Received
    - Consulting and planning team received approximately 11 emails from members of the public, including questions about the planning process.
- Planning Board: Throughout. Unanimous transmittal on 6/4/2021.
- Planning Staff and City Staff review: Throughout
- City Attorney and Planning Board Attorney review: Throughout
- Planning Consultant review for editorial style and consistency: Throughout
- City Council review and policy direction: Throughout. Transmittal 7/19/2021; 6 in favor; 1 opposed.
- City Council review on 9/7/2021 and 9/20/2021 with public input