EXECUTIVE SUMMARY

Recommendation to adopt the Proposed Amendments to the Immokalee Area Master Plan Element of the Collier County Growth Management Plan, Ordinance 89-05, as amended, and to Transmit the Amendments to the Florida Department of Economic Opportunity and other statutorily required agencies. (Adoption Hearing) PL20180002258/CPSP-2018-5

OBJECTIVE: To have the Board of County Commissioners (Board) review and adopt the amendments to the Immokalee Area Master Plan Element (IAMP) and approve their transmittal to the Florida Department of Economic Opportunity (DEO) and other statutorily required agencies.

CONSIDERATIONS: On February 10, 2015, the Board directed staff to initiate Growth Management Plan “restudies” of four master plans in eastern Collier County, including the IAMP. The IAMP restudy occurred over a two-year period with public workshops held to solicit public input, as well as maintenance of a website, and concluding with a White Paper presented to the BCC for their consideration and direction to prepare amendments to the IAMP.

Chapter 163, F.S. provides for an amendment process for a local government’s adopted Growth Management Plan and Collier County Resolution No. 12-234 establishes local amendment procedures.

The CCPC held its required Transmittal public hearing over three meetings, January 31, 2019, February 21, 2019, and March 7, 2019. By vote of 5/1, the CCPC recommended approval for transmittal of the GMP amendments, with changes. In all cases, staff had no objection and incorporated the recommended changes.

On May 14, 2019, the Board held its Transmittal public hearing, and without further changes, voted 5/0 to approve transmittal of the IAMP amendments to DEO. On May 24, 2019, the IAMP was transmitted to DEO and other statutorily required agencies.

The DEO response letter had no objection, recommendation or comment related to adverse impacts to important state resources and facilities within the Department’s authorized scope of review, nor did any other statutorily required review agency. However, DEO did offer suggestions that, in their opinion, can strengthen the IAMP. In summary, DEO suggests consideration of adding intensity of use standards related to allowed non-residential uses in the Planned Unit Development commercial provision, Commercial Mixed-Use Subdistrict, Recreational/Tourist Subdistrict, Industrial Mixed-Use Subdistrict and Industrial - Immokalee Regional Airport Subdistrict. In Collier County for county-wide GMP amendments, intensity of non-residential uses is established in the Land Development Code, or within Planned Unit Development Ordinances, through the defined requirements of setbacks, height, parking, landscaping and/or other development standards such as floor area ratios or gross square feet limitations. Therefore, staff is not recommending any further change to the proposed IAMP amendments.

FISCAL IMPACT: There are fiscal impacts to Collier County as a result of some of these amendments to the Growth Management Plan. Some GMP amendments will require further study and coordination, and the establishment of implementing provisions in the Collier County Land Development Code. It is anticipated this work will be completed by existing staff.

GROWTH MANAGEMENT IMPACT: This is an Adoption public hearing for these amendments to the GMP. Based upon statutory changes that occurred during the 2011 Florida Legislative session, this GMP amendment is presumed to be “in compliance” with applicable Florida Statutes. After Adoption, the DEO and other applicable review agencies will have 30 days (from the date DEO determines the Adoption packages are complete) to review the adopted Plan amendment and, should they believe the amendment is not “in compliance,” file a challenge [appeal] to the presumed “in compliance” determination with the Florida
Division of Administrative hearings. Similarly, any affected party also has 30 days (from the date of Board Adoption) in which to file a challenge. If a timely challenge is not filed by DEO or an affected party, then the amendment will become effective.

**LEGAL CONSIDERATIONS:** This Growth Management Plan (GMP) amendment is authorized by, and subject to the procedures established in, Chapter 163, Part II, Florida Statutes, The Community Planning Act, and by Collier County Resolution No. 12-234, as amended. 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.” 163.3177(1)(f), FS  This item is approved as to form and legality. It requires an affirmative vote of four for approval because this is an Adoption hearing of the GMP amendment. [HFAC]

**COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION:** The CCPC held its Adoption public hearing on October 31, 2019. Two Immokalee residents spoke in favor of adopting the proposed IAMP amendments. A letter in support of adoption was entered into the record from the Immokalee Community Redevelopment Agency Advisory Board, ending “Our advisory board is pleased to support the adoption of the Immokalee Area Master Plan Restudy as it will positively impact the community of Immokalee.”

By vote of 5/1, the CCPC recommended that the Board adopt the proposed Immokalee Area Master Plan amendments and approve their transmittal to DEO and other statutorily required agencies. The dissenting vote was based on the same following reasons as at the transmittal hearing:

1. Changes in density are not warranted based on revised downward population projections for build out of the Immokalee Urban Area. No data has been provided justifying the increased intensities.
2. Allowing the LR areas for industrial uses such as alternative energy and R&D facilities unnecessarily consumes limited urban areas and is incompatible with not only the low density residential areas but also the MR and HR areas.
3. Adding industrial band around north and west side of Immokalee Airport will exasperate the development of the existing Immokalee Airport and no data has been provided justifying this need.
4. The new plan downzones some properties without due process to notify owners and adds densities next to existing properties that were not contemplated when owners originally purchased, thus creating incompatibilities. Homeowners in what they thought were low residential neighborhoods could be facing substantial issues with higher density neighbors.
5. This plan does not take into consideration the changes that might occur during the surrounding RLSA re-planning effort. The entire re-planning effort was supposed to allow for a period of overlaps between the different abutting areas so one plan could be modified to reflect the needs of another. This has not happened.
6. Immokalee needs to look at a long term strategy for the future, however the future with this plan continues the limitations of the past. The higher densities and intensities mixed closer with the dissimilar residential will limit economic diversity and with out the prospect of substantially improved property values, Immokalee will never be independent of Collier County.

**STAFF RECOMMENDATION:** That the Board adopt the amendments to the Immokalee Area Master Plan Element and approve their transmittal to the Florida Department of Economic Opportunity and other statutorily required agencies.

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