EXECUTIVE SUMMARY

Recommendation to approve by Resolution a Growth Management Plan Amendment for transmittal to the Florida Department of Economic Opportunity for review and Comments response for an amendment to extend the Transfer of Development Rights Early Entry bonus. (Transmittal Hearing) PL20190002635/CPSP-2019-4

OBJECTIVE: For the Board to approve an amendment to the Collier County Growth Management Plan (GMP), pertaining to the Transfer of Development Rights program, for transmittal to the Florida Department of Economic Opportunity and other statutorily required agencies.

CONSIDERATIONS:

- Chapter 163, F.S., provides for an amendment process for a local government’s adopted Comprehensive Plan.
- Collier County Resolution No. 12-234 provides for a public petition process to amend the GMP.
- The Collier County Planning Commission (CCPC), sitting as the “local planning agency” under Chapter 163.3174, F.S., held their Transmittal hearing for this petition on January 16, 2020 (petition PL20190002635/CPSP-2019-4).
- This Transmittal hearing considers an amendment to the Future Land Use Element (FLUE).

This petition seeks to amend the GMP, adopted by Ordinance No. 89-05, as amended, specifically amending the Future Land Use Element (FLUE) by extending the effective date of the Transfer of Development Rights (TDR) Early Entry bonus to September 27, 2022. This is a text amendment only, there is no map change proposed for this amendment. The extension of this date is intended to further incentivize participation in the TDR program.

The proposed amended Subdistrict text, as recommended by the Collier County Planning Commission (CCPC), is depicted in Ordinance Exhibit “A.”

The complete staff analysis of this petition is provided in the CCPC Staff Report.

FISCAL IMPACT: The fiscal impacts to Collier County resulting from this amendment are for staff time to prepare the amendment and costs for the associated legal advertising/public notice for the public hearings.

GROWTH MANAGEMENT IMPACT: Approval of the proposed amendment by the Board for Transmittal and its submission to the Florida Department of Economic Opportunity and other statutorily required agencies will commence the Department’s thirty (30) day review process and ultimately return the amendment to the CCPC and the Board for Adoption hearings tentatively to be held in the Spring/Summer of 2020.
**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. In addition, s. 163.3177(6)(a)2, FS provides that FLUE plan amendments shall be based on surveys, studies and data regarding the area, as applicable including:

a. The amount of land required to accommodate anticipated growth.

b. The projected permanent and seasonal population of the area.

c. The character of undeveloped land.

d. The availability of water supplies, public facilities, and services.

e. The need for redevelopment, including the renewal of blighted areas and the elimination of non-conforming uses which are inconsistent with the character of the community.

f. The compatibility of uses on lands adjacent to or closely proximate to military installations.

g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.

h. The need to modify land uses and development patterns with antiquated subdivisions.

i. The discouragement of urban sprawl.

j. The need for job creation, capital investment and economic development that will strengthen and diversify the community’s economy.

This item is approved as to form and legality. It requires a majority vote for approval because this is the first transmittal hearing. [HFAC]

**STAFF RECOMMENDATION TO THE COLLIER COUNTY PLANNING COMMISSION:** That the CCPC forward petition PL20190002635/CPSP-2019-4 to the Board with a recommendation of approval.

**COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION:** The CCPC heard this petition at their January 16, 2020 meeting and voted 7/0 to forward the subject petition to the Board with a recommendation to approve for transmittal to the Florida Department of Economic Opportunity and other statutorily required agencies. There were no public speakers at the CCPC meeting, and no correspondence has been received for this petition.

**STAFF RECOMMENDATION TO THE COLLIER COUNTY BOARD OF COUNTY COMMISSION:** That the BCC approve by Resolution petition PL20190002635/CPSP-2019-4
for transmittal to the Florida Department of Economic Opportunity, and other statutorily required agencies, for review.

Prepared by:  David Weeks, AICP, Growth Management Manager, Comprehensive Planning Section, Zoning Division