



Agenda Item Summary

File ID: 20-0339

PH-5

Meeting Date: 2/18/2020

PLACEMENT: Public Hearings

TITLE:

LEGISLATIVE PUBLIC HEARING TO CONSIDER TRANSMITTAL OF COMPREHENSIVE PLAN AMENDMENT (CPA) 19-19, PULTE AT CHRIST FELLOWSHIP

EXECUTIVE SUMMARY:

The request proposes a Comprehensive Growth Management Plan amendment on a 321-acre parcel to change the future land use designation from Rural Density Residential (up to 1 unit per 2 acres) to Residential Estate Density (up to 1 unit per acre). The parcel is addressed at 10205 SW Pratt Whitney Road, and is located west of the Florida Turnpike, east of SW Pratt Whitney Road and north of SW Bulldog Way.

DEPARTMENT: Growth Management

PREPARED BY: **Name:** Maria Jose, M.S.
Title: Planner

REQUESTED BY: Christ Fellowship Church, Inc.

PRESET: **1:30 PM**

PROCEDURES: Plan Amendment

BACKGROUND/RELATED STRATEGIC GOAL:

In accordance with Sections 163.3174(4)(a) and 163.3184(3)(c)1 and (11), Florida Statutes, all Comprehensive Plan amendments require three public hearings. The first public hearing for this Plan amendment was conducted before the Local Planning Agency on December 19, 2019. This is the second hearing at which the Board of County Commissioners determines whether to transmit or not transmit the Plan amendment to the State Land Planning Agency and other state and regional reviewing agencies.

Upon transmittal, Section 163.3184, Florida Statutes, requires state, regional and local reviewing agencies to provide comments to the County regarding any impacts to important state resources and facilities. The state and regional reviewing agencies are required to provide their comments, if any, to Martin County within 30 days of the receipt of the amendment. If comments are received regarding impact to state resources and facilities, they must be addressed prior to adoption of the Plan amendment. Failure to successfully address impacts to state resources and facilities may form the basis for a challenge to the amendment after adoption.

The adoption public hearing is the third required public hearing. Pursuant to Section 163.3184(3)(c)1

and (11), Florida Statutes, Martin County must hold the adoption public hearing within 180 days after the receipt of reviewing agency comments. If Martin County fails to hold an adoption public hearing, the amendment shall be deemed withdrawn unless extended by agreement and notice to the State Land Planning Agency and any affected party that provided comments on the amendment. If the Plan amendment is adopted, Martin County has 10 days to send the amendment package to the State Land Planning Agency. The State Land Planning Agency has 5 days to find the amendment adoption package complete.

If an affected party challenges the adoption of a plan amendment, the petition must be filed within 30 days of the adoption date of the amendment. If the State Land Planning Agency challenges the adoption of a plan amendment, the petition must be filed within 30 days of the completeness determination by the State Land Planning Agency.

Decisions approving or rejecting proposed Plan amendments constitute legislative actions because they involve the policy making function of the BCC. They are different from rezoning and site plan decisions which are quasi-judicial actions involving the application of general rules of policy to specific situations. If approval of a Comprehensive Plan amendment is challenged by an affected person, the approval will be sustained if it complies with Florida Statutes regarding (1) procedural requirements (e.g. proper notice, public hearing), and (2) substantive requirements (e.g. adequate data and analysis, internal consistency). The fairly debatable standard is applicable to the review and requires judicial approval of a BCC approval if reasonable persons could differ as to the propriety of the decision. For example, if a petitioner were to claim that an amendment adopted a provision that was not consistent with an existing provision of the Comprehensive Plan, the court would strike down the amendment only if the court found no reasonable person would think that the two provisions are consistent. If approval of a Comprehensive Plan amendment is challenged, the process for the administrative review will be as provided in Section 163.3184(5) F.S.

ISSUES:

None.

LEGAL SUFFICIENCY REVIEW:

This is a legislative matter. Legislative decisions are those in which the local government formulates policy rather than applying specific rules to a particular situation. A local government's approval or denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Fairly debatable means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached. Decisions subject to the fairly debatable standard of review need only be rationally related to a legitimate public purpose, such as the health, safety, and welfare of the public, to be valid. Given this broad discretion, only decisions that are arbitrary and capricious or illegal are subject to serious legal challenge.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board approve transmittal of CPA 19-19, Pulte at Christ Fellowship to the Department of Economic Opportunity.

ALTERNATIVE RECOMMENDATIONS

1. Move that staff make additional changes and transmit CPA 19-19, Pulte at Christ Fellowship,

to the Department of Economic Opportunity.

2. Move that staff provide additional information and continue the item to a future date.

FISCAL IMPACT:

RECOMMENDATION

The applicant has paid a fee of \$6100.

ALTERNATIVE RECOMMENDATIONS

As above.

DOCUMENT(S) REQUIRING ACTION:

- | | | |
|--|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application | <input type="checkbox"/> Notice | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Resolution | |

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