MEMORANDUM

To: Council Members

From: Staff

Date: December 12, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Review
Draft Amendments to the St. Lucie County Comprehensive Plan
DCA Reference No. 09-1

Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, requires that Council review local government comprehensive plan amendments prior to their adoption. Under the provisions of this law, the Department of Community Affairs (DCA) prepares an Objections, Recommendations, and Comments (ORC) Report on a proposed amendment only if requested to do so by the local government, the regional planning council, an affected person, or if an ORC Report is otherwise deemed necessary by the DCA. If an ORC Report is to be prepared, then Council must provide DCA with its findings of consistency or inconsistency with the Strategic Regional Policy Plan (SRPP), and provide any comments and recommendations for modification on the proposed amendments within 30 days of its receipt.

Background

St. Lucie County is proposing text amendments to the Future Land Use Element and one amendment to the Future Land Use Map (FLUM) of the County Comprehensive Plan. The County has requested a formal review of the amendments by the DCA.

Evaluation

The FLUM and text amendments are directly related. The proposed text amendments are considered sub-area policies that impose conditions upon development of the subject property.
1. Future Land Use Amendment

The 38.1 acre property is located northwest of the intersection of Midway and Selvitz Roads (see Exhibits). The northern boundary of the property is contiguous to the City of Fort Pierce (see Exhibits 5-7). The property has been used for citrus groves for several decades; a use that is likely to continue in the foreseeable future, according to the amendment materials. No site plan has been submitted, although the proposed land use is to be restricted to industrial/commercial by policy. The landowner application indicates the change is so that the FLUM designation is more consistent with surrounding designations.

The current FLUM designation is Residential Suburban (RS - maximum two dwelling units per acre). The proposed FLUM designation is Mixed Use Development (MXD). The current land use on surrounding properties includes vacant land to the north, public and institutional uses including a post office and sheriff’s office to the south, large lot single family homes to the east and an industrial park to the west. The FLUM designations on surrounding properties are Industrial (City of Fort Pierce) to the north, Public Facilities to the south, RS to the east and Industrial to the west. Given the surrounding land uses and designations, County staff indicates that an industrial use (proposed for this property) is more compatible than the RS designation. The landowner will be required to mitigate traffic impacts, since there will be impacts to a segment of Midway Road that has exceeded the level of service capacity.

The County staff indicated that the MXD designation is not appropriate at this location. According to the County Plan:

*The intent of the Mixed Use Development (MXD) designation is to identify those areas where innovative land use concepts are encouraged. Application of this district should be with prudence, and should be only to those areas where traditional land use classifications do not afford the desired flexibility and community input in land use planning necessary to address local concerns. Candidates for this district include all I-95 interchange areas, the St. Lucie County International Airport, Community Development Districts created pursuant to Chapter 190, Florida Statutes and areas of special or unique environmental consideration that may not be appropriate for traditional land use designations.*

This property is not located in a specialized area as identified in the above. The County staff concluded that an Industrial designation is more appropriate for this location. Such a designation would allow all the uses proposed by the landowner and included in the sub-area policies.
2. Text Amendments

The text amendments are to the Future Land Use Element. The County refers to them as “sub-area policies” and they appear only on proposed Figure 1-7m of the Element (See Exhibit 8). The policies impose conditions to the assignment of the MXD designation to the Cassens Grove property.

Extrajurisdictional Impacts

Consistent with the informal agreement between the local governments in the northern three counties of the Region, the County provided copies of the amendment materials to surrounding local governments and counties. Council sent a memo to local governments and other relevant agencies dated November 6, 2008, regarding comments on the proposed amendments. As of the date of this report, no correspondence has been received regarding the proposed amendments. There should not be significant extrajurisdictional impacts as a result of the amendments.

Effects on Significant Regional Resources or Facilities

Analysis of the proposed amendments indicates that they would not have adverse effects on significant regional resources or facilities.

Analysis of Consistency with Strategic Regional Policy Plan

Neither the redesignation of this property to Mixed Use nor the proposal to limit the property to industrial and ancillary commercial uses would be considered inconsistent with the SRPP. However, as the County staff pointed out during the transmittal hearings, the property does not meet the criteria in the County Comprehensive Plan for designation as MXD. The designation for this property as MXD would be internally inconsistent with the County Plan. It is not totally clear why the landowner has applied for the MXD designation from the County, yet agreed to condition the designation on uses that would be permitted under a more straightforward designation, such as the Industrial designation recommended by County staff.

However, it is important that local governments in the region allow for and promote a balanced, well-planned compatible mix of land uses, consistent with Regional Goal 6.1. A mix of uses is desirable not only at interchange and special or unique areas as anticipated in the County MXD designation, but in areas that are smaller in scale and scope. A vertical and horizontal mix of uses is desirable.

Comment/Recommendation for Modification

1. The issues that have arisen as a result of the consideration of an appropriate FLUM designation for this property suggest that the County may need more than one mixed or multi-use FLUM designation. During its Evaluation and Appraisal Report process, the County should consider adding one or more additional mixed use
designations so that future neighborhoods and communities, even when small in scale, can have a balanced, compatible mix of land uses with a compact design and a mix of building types consistent with the SRPP.

**Consistency with Strategic Regional Policy Plan**

The contract agreement between the DCA and the Treasure Coast Regional Planning Council requires Council to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. Council finds the proposed amendments to be CONSISTENT with the SRPP.

**Recommendation**

Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

Attachments
List of Exhibits

Exhibit

1  Site Location Map
2  Amendment Location Map
3  Cassens Grove Aerial
4  Aerial
5  Project Location Map
6  Future Land Use Map
7  Zoning Designation Map
8  MXD – Cassens Mixed Use Activity Area
Exhibit 1
Site Location Map
Exhibit 3
Cassens Grove Aerial
FLUMA-420081453
A petition of Steve Cassens (Agent, Terry L. Virta & Associates, Inc.) for a proposed large scale Future Land Use Map Amendment from RS (Residential Suburban - 2 du/acre) to MXD (Mixed Use - Specific Use Area) for 38.05 acres more or less

Exhibit 5
Project Location Map

Map prepared July 18, 2008
Exhibit 8
MXD – Cassens Mixed Use Activity Area

Figure 1-7m
MXD - Cassens
Mixed Use Activity Area

Legend
SU – Specific Use Area

Specific Use Areas within this Mixed Use Activity Area are restricted in use to the equivalent of the COM and IND Land Use designation as described in the Future Land Use Element unless otherwise amended through the Comprehensive Plan Amendment Process. IND uses shall be limited to 310,800 square feet of gross building area; COM uses shall only be auxiliary to IND uses.

Development of this site shall be approved through the Planned Non-Residential Development process, and shall include appropriate open space and buffers adjacent to residential uses. Access to development shall be provided from the west via Povertie Road.