To: Council Members

From: Staff

Date: July 17, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Fellsmere Comprehensive Plan
DCA Reference No. 09-1

Background

On May 21, 2009, the City of Fellsmere adopted two Future Land Use Map (FLUM) amendments and text amendments to a number of elements of the City Comprehensive Plan. The amendments relate to the assignment of new FLUM designations for nearly 19,000 acres of property known as the “Fellsmere Joint Venture”. Amendments related to the RO-ED/AnsIn properties that were part of the proposed amendment package were not adopted by the City.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on October 17, 2009. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on October 24, 2008.

Evaluation

A. TCRPC Report

The report approved by the TCRPC contained nine comments/recommendations for modification to the FLUM amendments, ten comments/recommendations on the text amendments and one comment/recommendation regarding intergovernmental coordination. These are shown in Attachment A.

B. DCA ORC Report

The DCA ORC Report contained fourteen objections. Three of these objections related directly to the RO-ED/ANSIN amendments which were not adopted by the City. The objections are shown in Attachment B.

C. City Response

1. To TCRPC Comments/Recommendations for Modification

At the October 17, 2008 meeting of the TCRPC, the City provided a response to the TCRPC staff report. The response is 77 pages in length. It is not included here, due to its length. It is available by contacting the offices of the TCRPC. Several of the issues raised by the TCRPC were included in the DCA ORC Report.
2. To the DCA ORC Report

The City has submitted a 123 page response to the ORC Report. Copies of that report are available electronically by contacting the TCRPC. The City made a significant number of modifications to the proposed amendments in response to the DCA ORC Report.

Conclusion

For information only.

Attachment
Comments/Recommendations for Modification

A. FLUM Amendments

1. With the SRPP principles for the settlement of the region in mind, Council has examined the City of Fellsmere’s proposal to establish a FLUM designation to encourage/permit villages in the countryside and to assign that designation to the City’s most recent and largest annexation, the nearly 19,000 acre Fellsmere Joint Venture property.

The City contends that the proposed amendments have been guided by the overall policy direction of the SRPP; in that the proposed development will create new neighborhoods and communities, will include a mix of land uses and a mix of housing types and employment opportunities. The City makes specific reference to SRPP Policy 3.2.3.1 of the Economic Development Element which suggests that if local governments determine that the redesignation of agricultural land is necessary to meet certain needs, new FLUM designations should require new preferred forms and patterns of development. The City indicates the new proposed development cannot be considered urban sprawl since it will be located in mixed use villages within the City boundaries. Further, concurrency will be required, and native habitat will be preserved. School sites will be identified later in coordination with the School District.

Although the SRPP recommends that future development include a mix of land uses and a range of housing types and affordabilities, it does not recommend or envision that the future population will be settled into scattered villages across the countryside. While a form of development that focuses on the development of functional, mixed use communities is preferable to low density, residential subdivisions, such development should not be spread across the countryside. A village center serving an agricultural countryside is one thing, but it is quite another to disrupt the nature and attributes of the countryside with thousands of homes and commercial development. SRPP Strategy 2.1.2 discourages such a sprawling development pattern to ensure compatibility of urban areas, natural preserves and other open spaces. Policies under this strategy encourage transfer of development rights and the densification and investment in established cities, towns and villages.

Furthermore, the local government is to determine the preferred locations of new towns, cities or villages, according to Regional Strategy 4.1.2 and Policy 4.1.2.1. It does not appear the City is ready to do so at this time. The proposed amendments are not consistent with Regional Goals which deal with: 1) infill development and redevelopment and the containment of urban sprawl; 2) future growth that does not result in isolated patterns of development and patterns of development which are proportionally less costly to provide with public services and facilities; and 3) the redevelopment and revitalization of older communities into important and viable economic centers of the regions.

When a City determines that it is necessary and appropriate to expand its boundaries, it should be done in a logical and orderly manner so that services can be extended and infrastructure provided in a cost effective manner. New development should complement, not compete with the current city. While there is some precedence in the Region for significant expansions in City boundaries, the expansion carried out by the City of Fellsmere in the past few years is unique. Furthermore, no other city in the region has proposed establishing a new series of neighborhoods/villages within the city boundaries. It is very possible that these new villages will not be complementary to the historic city, but will instead be competitive.
this may make it much more difficult for Indian River County to successfully implement its comprehensive plan.

Recommendation for Modification: If the City is convinced that a series of villages surrounded by countryside is the most appropriate way to settle its future population, the City needs to determine the appropriate location for these villages so that it may work with other agencies and entities to determine roadway and street networks, school locations and other matters. It would be more appropriate to identify the best location for the first village, and designate only that area for village development. It would be premature to redesignate all 19,000 acres to a VOF FLUM category. Furthermore, the City should be clear about the procedures to be utilized to cluster the development rights into the Village location from the surrounding agricultural lands. Will there be a transfer of development rights? Will there be agricultural/open space easements established to make it clear that no development rights remain on existing lands?

2. As indicated in the Evaluation section of this report, the City has determined that it needs additional space for new development opportunities. The expansion of the City’s land area, begun in earnest in 1999, has increased the land area of the City from slightly over 4 square miles in the 1990’s to 42.0 square miles in 2008. More than half of that area is within the Fellsmere Joint Venture Property. The City provided an analysis of need with the Fellsmere Joint Venture FLUM amendment. That analysis suggests a “structural shift” in Florida’s population will be impacting the City of Fellsmere. It also indicates that this change renders the commonly used “Medium” range of population projections generated by BEBR to be inaccurate. The contention is that the “High” range of population projections (County population of 271,200 by year 2030) is more appropriate than the “Medium” range (County population of 205,200 by year 2030). It also indicates that the City share of the entire County population should increase to 15% by the year 2030 (from the current 6%). As a result of this rapid growth and the City’s decision to provide for a ratio of 2.5 to 1 of units authorized on the FLUM to projected units needed, the City will need FLUM capacity for 56,000 units. Since the current plan has the capacity for only 12,000 units, the projected 36,000 units on the Fellsmere Joint Venture property will help to meet the projected need.

Council staff has prepared a summary of the Analysis of Need and included it as Attachment B of this report. This summary also identifies some concerns with the assumptions utilized in the Analysis of Need.

Recommendation for Modification: It is not clear if the calculations utilized to determine future need considered all the recent annexed lands in the City and their development potential. This should be clarified. In addition, further justification should be provided to support the use of the high range of BEBR population projections. Finally, justification should be provided for the ratio of 2.5 to 1 to be utilized to support FLUM designation to accommodate future growth. While it is reasonable to assume that a local government should allocate some more land then would be required to accommodate future population, allocating 2.5 times the amount necessary is not supported adequately in the amendment materials.

3. It is not clear what the cumulative impact will be to CR512 (Fellsmere Road). Traffic analysis for the RO-ED ANSIN FLUM amendments indicate there will be adequate capacity on the County and City roadway networks in 2013, and only minimal impacts by the year 2033. It is uncertain whether this analysis includes the impacts from other development including that on the Pine Grove/Ansin and Carson Platt properties. Furthermore, no analysis was provided for the Fellsmere Joint Venture property. SRPP Policy 7.1.2.5 calls for the development of a
regional roadway system of predictably spaced and interconnected east-west, north-south streets.

Recommendation for Modification: Prepare a regional traffic analysis to assess the cumulative impacts of all new development authorized by the City that will impact CR 512. The analysis should include new roadways and/or roadway extensions necessary to accommodate traffic at the adopted level of service.

4. The SRPP calls for a roadway system of predictably spaced and interconnected east-west, north-south streets. In response to questions from Council staff, the City has provided a map showing a Conceptual Transportation Network (see Exhibit 9) as well as the conceptual alignment of a new roadway linking the Cities of Palm Bay and Fellsmere (see Exhibit 5).

However, the City did not include the Conceptual Transportation Network as part of the comprehensive plan amendments. In addition, the proposed roadway network is limited to major arterial roadways.

Recommendation for Modification: A roadway/street network grid proposed to service this area with interconnections to the existing regional roadway network should be adopted as part of the comprehensive plan amendments. The network should be more dense than portrayed in the Conceptual Transportation Network Map. The network can be conceptual and modified as necessary if conditions change. However, landowners should be made aware of the density of the network that is expected.

5. A 157 acre parcel of the Fellsmere Joint Venture property is located at the northeastern boundary of the historic area of the City, along 101st Street. This parcel is not contiguous to the larger portion of the property. The VOF designation, to be utilized for neighborhoods at yet to be determined locations, would not seem to be an appropriate designation for this property.

Recommendation for Modification: The location of this 157 acre property is such that it should become an integral part of the existing City. It should be connected to the City street grid. Planning for this area should be more precise, so that it is complementary to other new uses in this area. A higher residential density with a mix of housing types and a mix of uses would be appropriate for this property.

6. Existing City Policy FLUE B-2.6.4 indicates that in order to receive a LDMXN FLUM designation, a conceptual development plan shall be submitted to and approved by the City Council. There was no Conceptual Development Plan provided in the amendment materials for the RO-ED Ansin 300 or RO-ED Ansin 2,592 FLUM amendments.

Recommendation for Modification: Prior to the adoption of these amendments, the City should approve a conceptual development plan for the properties, consistent with FLUE Policy B-2.6.4.

7. Reference is made in the amendment materials to conditions of development for the RO-ED Ansin 300 and RO-ED Ansin 2,592 properties. These conditions are to be contained in Objectives B-22 and B-23. However, the proposed amendments do not include these conditions.

Recommendation for Modification: Include objectives and policies that pertain specifically to the RO-ED Ansin 300 and RO-ED Ansin 2,592 FLUM amendments in the FLUE.
8. The City should address the issues raised by Indian River County in a letter dated September 25, 2008 and those raised by the City of Sebastian in a letter dated October 3, 2008 prior to the adoption of these amendments.

9. In Goal 4.4 of the Education Element, the SRPP emphasizes the importance of neighborhood schools. Within this goal, several strategies are set forth promoting patterns of development that reinforce neighborhood schools (Strategy 4.4.1), reduce bus trips (Strategy 4.4.2), increase shared facilities, including co-location of public school recreational and building facilities (Strategy 4.4.6), and strengthening the role of schools in communities (Strategy 4.4.7). As summarized below, the proposed amendments do not include sufficient data and analysis to adequately address the provision of school facilities generally or neighborhood schools specifically.

Indian River County and its municipalities have an adopted interlocal agreement to address school facilities that requires extensive coordination between the School District and local governments in the review and approval of Comprehensive Plan amendments. The City of Fellsmere is a signatory to this agreement. As noted in Section 8.4 of the agreement, in the review of comprehensive plan amendments, local governments are required to consider the following issues:

a. The compatibility of land uses adjacent to existing schools and reserved school sites.
b. The co-location of parks, recreation and community facilities in conjunction with school sites.
c. The linking of schools, parks, libraries and other public facilities with bikeways, trails, and sidewalks.
d. The targeting of community development improvements in older and distressed neighborhoods near schools.
e. The development of traffic circulation plans to serve schools and the surrounding neighborhood, including any needed access improvements, sidewalks to schools, off-site signalization or safety-related signage.
f. The location of school bus stops and turnarounds in new developments.
g. The consideration of private sector action to identify and implement creative solutions to developing adequate school facilities in residential developments.
h. The consideration of School District comments on comprehensive plan amendments and other land-use decisions.
i. The availability of existing permanent school capacity or planned improvements to increase school capacity, in accordance with applicable school concurrency policies and requirements.

The support data provided is insufficient to evaluate the amendments for consistency with the SRPP policies noted above, particularly with regards to the relationship of potential future school sites to neighborhoods and districts from which students will be generated. The data also includes inconsistencies regarding the size of future school sites to be donated to accommodate future school facilities.

Additional data, analysis and clarification are necessary to fully evaluate the impacts upon school facilities from the proposed amendments. In particular, this additional data and analysis should address proposed future school sites and locations, the relationship of future school facilities and neighborhoods, and the funding of school facilities:
Recommendation for Modification: Additional data and clarification in the following areas are required to fully evaluate the amendments:

A. Proposed Future School Facility Locations (Ansin amendments). Data provided regarding the proposed Ansin amendments indicate negotiations underway regarding the proposed donation of a 20-acre site upon which a new elementary school could be located. The site is located “just west of 89th Street and south of 108th Avenue” (east of I-95); however, there is no specificity as to how a new elementary school on this site will be integrated with new residential development on the Ansin site. More data is necessary to evaluate the ability to access the proposed elementary school site, particularly regarding walkability, the ability for safe access, and the potential for this site to function as a neighborhood school.

B. Proposed Future School Facility Locations (Fellsmere Joint Venture amendment). According to data provided by the applicant, the proposed FLUM amendment for the Fellsmere Joint Venture will generate an additional 10,348 students (“school-aged children”), creating demand for an additional six elementary schools, two middle schools, and two high schools. The applicant has provided data and references regarding future negotiations to be held with the Indian River County School District pertaining to the dedication of future school sites. The applicant refers to Comprehensive Plan Policy FLUE B.9.1 regarding sites for future school facilities. Specifically, the applicant refers to 10-acre sites for future elementary schools; 25-acre sites for future middle schools; and 25-acre sites for future high schools.

However, the applicant also refers to the adopted School Siting Interlocal Agreement which stipulates sites of not less than 20 acres for elementary schools, not less than 40 acres for middle schools, and not less than 80 acres for high schools.

This data is inconsistent and needs to be clarified for proper evaluation of school facility impacts. In addition, additional data is necessary to evaluate the ability for these future school sites to be integrated with future residential neighborhoods and districts and their ability to function as neighborhood schools.

C. Funding of School Facilities (Ansin and Fellsmere Joint Venture amendments). The proposed amendments will generate the demand for a significant array of new school facilities and associated capital costs. Within the data provided for the proposed Ansin amendments, it is indicated that “impact fees for the proposed development will provide the financial support necessary to assist with the operation and maintenance costs for local schools.” However, impact fees are utilized for capital costs only, restricted from use for operational and maintenance costs. There was no data provided regarding school facility funding for the proposed Fellsmere Joint Venture amendments. More data for all amendments to fully understand how the capital costs for the required school facilities will be funded by the development.

B. Text Amendments

1. Proposed Policy 21.3 is in part to prevent urban sprawl and to support the “Town” of Fellsmere. However, the settlement strategy that is to consist of a system of neighborhoods/villages in isolated areas is likely to negatively impact, rather than support, the existing historic city. These new neighborhoods/villages will be separated from the historic city center by unincorporated, low density residential and agricultural
lands. This new pattern “leaps” over areas adjacent to the existing City to establish new
development in the countryside. This is not consistent with Regional Goal 3.1,
(revitalization and maintenance of complete cities, towns, villages) and in conflict with
Policy 2.1.2.2 that encourages densification of and investment in established cities,
towns and villages and Strategy 3.4.2 which is to return older communities to their
historic prominence as important and viable economic centers.

Recommendation for Modification: Expand the City in a more orderly, logical manner.

2. Proposed Policy 21.4.8, “Open Space & the Countryside,” states that to ensure open
space is preserved, at least 50% of the land in this designation shall be for open space
components as defined in either the comprehensive plan, or the annexation agreement, or
the land development code or a final development order. This range of definitions sets
forth a confusing and contradictory method of achieving and measuring open space. The
“components creditable towards open space” identified in proposed Policy 21.10.3
contradict with the description of open space in the annexation agreement.

Policy 21.10.3 allows a list of “other components” to fulfill the open space requirement,
none of which are generally considered to be open space (e.g. industrial sites,
educational facilities). Under this provision, there is no guarantee that any land will be
preserved as open space over time. By allowing lots greater than 2 acres in size to count
as open space, this provision conflicts with the stated policies of preventing urban sprawl
(Policy 21.3) and preserving open space (Policy 21.10.1).

By allowing these “components,” the proposed amendments are in conflict with
Regional Goal 1.1, “A sustainable countryside” and the stated preferred development
form; and with SRPP Policy 15.1.3.1, which calls for increasing the clarity of local land
use plans.

Recommendation for Modification: Remove Policy 21.10.3 and revise Policy 21.10.2 to
provide a list of open space uses consistent with the annexation agreement. Limit the
credits for open space to uses in which the majority of the property will be actual open
space.

3. Using the development instructions in proposed Policies 21.5 and 21.10(3), a 500 acre
parcel assigned the VOF designation could consist of the following:

- 500 acres @ 2 dwelling units per gross acre – 1000 units (maximum).
- 50% open space = 250 acres.
- 119 lots, 2.1 acres in size, are considered open space components and fully consume
  the 250 acres for “open space.”
- 881 lots located on the remaining 250 acres results in 3.5 dwelling units per acre in
  the neighborhood.

The lack of compactness resulting from the application of proposed policies could result
in urban sprawl, both within the “open space” area and the neighborhood. The
neighborhood pattern allowed by these policies conflicts with the criteria for a
neighborhood contained within the SRPP. According to the SRPP, neighborhoods are
typically 40 to 160 acres in size, range from four to ten units per acre, and are
predominantly residential. The SRPP indicates that in order to support the other
components necessary for sustainable settlement, such as transit, public parks, schools
and neighborhood commerce, the minimum residential density should be 10 units per acre.

Recommendation for Modification: In order to avoid a sprawling development pattern, the VOF should be revised to allow greater compaction of the neighborhood area, require more open space, require a minimum density, and remove the option of large lots in the countryside. In addition, the required amount of open space in Policy 21.5 should be increased and the provision in Policy 21.10.3(d) allowing large lots in subdivisions to be used to meet the requirements for open space should be removed.

4. Development at the densities to be allowed does not support transit. A minimum level of local bus service (20 daily bus trips in each direction or one bus per hour) is unlikely unless residential areas average at least 4 to 5 dwelling units per acre. SRPP Policy 7.1.2.4 states, “In order to improve the feasibility of public transportation, residential densities should be no less than 8 units per acre.” If the large lots are not allowed to spread over the “open space,” a development maximizing the future land use would yield a neighborhood of 4 dwelling units per acres. This conflicts with SRPP Policy 9.1.1.1, encouraging patterns of development that reduce automobile dependency and accommodate public transit, and; SRPP Policy 7.1.3.1, which calls for patterns of development that maximize public transportation alternatives.

Recommendation for Modification: Consistent with City policies to support bicycle and pedestrian use and encourage transit, include a policy in the VOF FLUM designation that requires residential densities that will allow the provision of public transit to be feasible.

5. In amendment round 08-1, the City proposed a new FLUM designation called Agricultural and Rural. The proposed VOF FLUM designation appears to be similar in nature.

Recommendation for Modification: Indicate whether the City intends to include both the Agricultural and Rural, and the VOF as FLUM designations; both of which allow a significant amount of development in the countryside.

6. It is recommended that the numbering of Policies under Objectives B-21 be reconsidered. For the ease of use, numbering should be sequential.

7. Proposed Policy 21.10.4 indicates that open space requirements be met by dedicating lands on non-contiguous parcels to the public. This policy is unclear.

Recommendation for Modification: Clarify this policy to indicate whether these non-contiguous parcels must be within the area seeking the VOF designation or whether they might be on lands elsewhere in the City.

8. The Table to be adopted as Policy 21.5 indicates that there is to be a maximum of 2 dwelling units per acre calculated over the gross acreage and that residential areas are encouraged to be clustered. In order to ensure that new neighborhoods are not spread across the countryside, the following should be required:

- Minimum residential densities for neighborhoods.
- Maximum area for neighborhoods.
- Maximum lot sizes within neighborhoods.
9. Proposed Policy 2.6 indicates that provisions for affordable/workforce housing shall be required. However, no standards have been established.

Recommendation for Modification: At a minimum, the City should indicate what proportion of housing in each neighborhood will be required to be affordable to low and moderate income households.

10. Proposed Policy 21.1 indicates the City may assign the VOF FLUM classification when the proposed amendment “delineates the planning area and where possible sets forth a conceptual master plan”. It is not clear what determines when a conceptual master plan is possible.

Recommendation for Modification: Revise proposed Policy 21.1 to be more definitive as to when a conceptual master plan will be required for lands to be designated as VOF.

11. The City should address the issues raised by Indian River County in a letter dated September 25, 2008 and those raised by the City of Sebastian in a letter dated October 3, 2008 prior to the adoption of these amendments.
DEPARTMENT OF COMMUNITY AFFAIRS

OBJECTIONS, RECOMMENDATIONS AND COMMENTS

FOR

THE CITY OF FELLSMERE

AMENDMENT 08-2

October 24, 2008
Division of Community Planning
Office of Comprehensive Planning

This report is prepared pursuant to Rule 9J-11.010
INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the City of Fellsmere, 08-2 proposed amendment to their comprehensive plan pursuant to s. 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments which follow the objections and recommendations section are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.
TRANSMITTAL PROCEDURES

Upon receipt of this report, the City has 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code.

Within ten working days of the date of adoption, the City must submit the following to the Department:

Three copies of the adopted comprehensive plan amendment;

A copy of the adoption ordinance;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council’s review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Michael J. Busha, AICP, Executive Director of the Treasure Coast Regional Planning Council.

Please be advised that Section 163.3184(8)(c), Florida Statutes, requires the Department to provide a courtesy information statement regarding the Department’s Notice of Intent to citizens who furnish their names and addresses at the local government’s plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event no names, addresses are provided, please provide this information as well.** For efficiency, we encourage that the information sheet be provided in electronic format.
OBJECTIONS RECOMMENDATIONS AND COMMENTS REPORT
CITY OF FELLSMERE 08-2
PROPOSED COMPREHENSIVE PLAN AMENDMENT

I. Consistency with Rule 9J-5, F.A.C., and Chapter 163, Part II, F.S.

The City of Fellsmere has submitted a proposed amendment for review by the Department. The proposed amendment consists of text changes to the Future Land Use Element which create a new mixed use future land use designation entitled “Villages of Fellsmere.” The Future Land Use Element is further amended to add two new Objectives which provide site specific conditions for two of the Future Land Use Map (FLUM) amendments. The amendment contains three Future Land Use Map amendments. The “Fellsmere Joint Venture” amendment consists of two separate properties; one 18,676 acres, the other 157 acres, both of which are seeking designation under the new Villages of Fellsmere future land use designation. The other two amendments, referred to as the Ro-Ed/Ansins properties are two adjacent properties east of I-95 consisting of 2,592 acres and 300 acres respectively, both seeking the existing Low Density Mixed Use Neighborhood (LDMXN) future land use designation.

A. Objection to entire amendment package


House Bill 697, which went into effect on July 1, 2008, requires amendments to the future land use plan to be based upon surveys, studies, and data regarding the discouragement of urban sprawl, energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems, and greenhouse gas reduction strategies. Though the proposed amendment makes progress toward these goals by including policies encouraging such tools as green building technologies in construction, multi-modal transportation systems, and other land use tools, the amendment as a whole does not discourage urban sprawl, does not ensure an energy-efficient land use pattern, and contains insufficient strategies to reduce greenhouse gas emissions.

As will be discussed in detail throughout this Report, the proposed amendment lacks sufficient and detailed policies that would result in compact, mixed use development with a balance of housing, employment and commerce to reduce the need to travel elsewhere for work and shopping. Amendment materials indicate that a significant portion of Fellsmere’s population already commutes to work. Without sufficient policies to create jobs within the FLUM properties, residents will be forced to commute. As proposed, the amendment would place a significant population in an area remote from jobs, public services, and commercial activities, thereby resulting in a greater dependence on automobiles traveling longer distances.

Authority: Rules 9J-5.005(2) & (5), 9J-5.006(2)(c), (3)(b)1., and (5), 9J-5.011(2)(b)3., F.A.C.; and Sections 163.3177(2), (6)(a), and (8) F.S.
**Recommendation:** Revise the Comprehensive Plan text as directed herein. Policies need to be strengthened and greater specificity added to provide clear and meaningful criteria that will result in compact, mixed use communities that contain a variety of housing types and prices, a variety of employment and shopping opportunities, and require a multi-modal transportation system that will result in reduced greenhouse gas emissions. Additionally, provide data and analysis demonstrating how the proposed policies will discourage urban sprawl, result in energy-efficient land use patterns, and reduce greenhouse gas emissions.

**B. Objections to the new Villages of Fellsmere future land use designation**

**B-1. Objection: Meaningful/Predictable Policies**

Proposed FLUE Objective B-21 creates a new future land use designation entitled “Villages of Fellsmere” (VOF). The objective states that the VOF establishes a development framework that encourages a sustainable settlement pattern that, among other things, protects and enhances the natural environment, encourages the preservation of agricultural opportunities while providing more diverse employment with higher wages, manages water comprehensively throughout the area, promotes reduction in automobile trips, and increases the quality of life for City citizens. While Proposed Objective B-21 lists the many components of the VOF designation’s intent, the proposed policies provide insufficient concrete strategies to ensure that the intent of the new future land use designation will be met.

Proposed FLUE Objective B-21 and many of its subsequent policies lack specificity, predictability and meaningful guidelines to guide development. Without a set of strong, specific policies, the amendment could result in leapfrog sprawl, poorly coordinated and inefficient land use patterns, premature conversion of agricultural lands, to urban uses, inadequately planned transportation facilities and road network, scattered and disjointed open space that will not be functional for ecological or recreational purposes, and other negative impacts to the City, the County, adjacent municipalities. Proposed Policy 21.3 states that VOF properties shall contain “compact, mixed-use, pedestrian-friendly neighborhoods that will comprise the overall Village supporting the ‘town’ of Fellsmere.” However, the amendment does not contain sufficient guidelines and standards to ensure these objectives are achieved. Additionally, it has not been demonstrated that the Villages of Fellsmere future land use designation as proposed to be applied to the Fellsmere Joint Venture property will support the historic City of Fellsmere instead of compete with it.

Proposed Objective B-21 seeks to establish a development framework for the new Villages of Fellsmere future land use designation that “encourages” a sustainable development pattern that “encourages” the preservation of agricultural opportunities, “promotes” reduction in automobile trips, and is “encouraged” to utilize and integrate sustainable, green building and neighborhood design. However, many of the proposed policies meant to implement the stated intent of this future land use designation include...
unclear language such as “encourage,” “should,” and “may” as well as otherwise undefined terms. From an implementation standpoint, such policies are vague and may lead to consequences that are contrary to the stated intent of this future land use designation, and contrary to Florida Statutes. If the City wishes to “encourage” an outcome, they must provide concrete, measurable policies through which the outcome will be achieved.

Authority: Rules 9J-5.005(2) & (6), F.A.C.; and Sections 163.3177(2), (6)(a), & (8), F.S.

**Recommendation:** The comprehensive plan as proposed does not contain the level of detail and specificity, nor are the policies strong enough to ensure a sustainable development pattern that will discourage sprawl. The amendment must be revised to strengthen the proposed Goals, Objectives and Policies to establish guidelines and standards relating to the number of villages, their size and location, minimum and maximum densities and intensities, mixed use standards, linkage between residential development, jobs and commercial development, timing and phasing of development, separation between rural and developed areas, protection of environmentally sensitive areas and open space, and needed infrastructure, including roads, schools, and central water and sewer. The result should be a set of meaningful objectives and policies, which may be supplemented with a conceptual development plan and phasing plan, that will be incorporated into the comprehensive plan to guide development in a predictable manner.

Revise proposed Policy 21.1 to detail the studies that will be required for properties seeking the Villages of Fellsmere future land use designation. This policy should define the purpose and specific information that will be gathered and analyzed in each study. For example, the policy should be revised to address what constitutes an “existing conditions” analysis. Based on the information gathered through these analyses, the applicant and City must develop guidelines and standards that will guide the orderly development of the Villages of Fellsmere property.

Revise Proposed Policies 21.3.1, 21.4.6, and 21.5 to clearly define each of the appropriate terms including the size, location, allowed uses, and other criteria that constitute each different type of development. Revise Proposed Policy 21.3.1(1) to include the appropriate mileage figure. Revise Proposed Policy 21.7 to include criteria that will guide the location of public facilities and services. Revise any other policies that lack meaningful and predictable criteria through which their implementation will be required.

**B-2. Objection: Densities/Intensities**

The proposed Villages of Fellsmere future land use designation is inconsistent with Rule 9J-5.006(4)(c), F.A.C. and it does not include policies that sufficiently and meaningfully detail the allowed uses, mix of uses, minimum and maximum densities and intensities, minimum and maximum lot sizes, and criteria for the location and distribution of uses. Proposed Policy 21.4.7 does not list the specific allowed industrial uses, nor is a maximum industrial intensity standard provided. Proposed Policy 21.4.1 encourages
agricultural, research and development, or educational facilities, but provides no locational criteria or intensity standards. Proposed policy 21.10.2(1) states that agricultural research and education facilities are permitted at an FAR of 0.5; however, this policy is listed as a component of open space and it is unclear whether this intensity standard would apply to similar uses outside the open space area.

Proposed Policy 21.5, Table 2 lists minimum parcel sizes for Villages and Neighborhoods, but provides no maximum. In order to ensure compact, sustainable development, the size of Villages and their Neighborhoods should be limited. Proposed policy 21.5, Table 2 lists intensity standards for Neighborhood Commercial Centers as "structures up to 100,000 square feet," and similar intensity standards for Community Commercial Centers and REAC or general commercial/industrial areas. The distinction between Neighborhood Commercial Centers, Community Commercial Centers, REACs and general commercial/industrial areas is not clear. Additionally, it is insufficient to limit only the size of the structures as Table 2 illustrates. This is an insufficient intensity standard because it is not limited by additional policies that would limit the number and location of such structures. The amendment should be revised to include a meaningful intensity standard for each category of use such as a maximum Floor Area Ratio, or lot coverage and building height restrictions.

Proposed Policy 21.5, Table 2 states with regard to density requirements that the "total number of allowable units shall be set forth in the site specific conditions, final annexation/development agreement, and/or development order." While it is permissible to set development requirements in site specific conditions within the comprehensive plan, it is not acceptable to defer such development requirements or conditions to annexation/development agreements or development orders which have not been properly adopted into the comprehensive plan. Revise this policy to omit the phrase "final annexation/development agreement and/or development order."

Proposed Policy 21.3.1 states that Villages will be comprised of a series of Neighborhoods, and Neighborhoods will contain a mix of uses appropriate to the economic, social, or geographical location. Proposed Policy 21.3.1(9) further states that market forces of supply and demand shall determine the right mix and build out of non-residential spaces. The proposed amendment does not define the percentage distribution among the mix of uses, nor does it clearly define the mix of uses through another objective measurement. It is insufficient to allow "market forces" to determine where and when development occurs, as this type of piecemeal development does nothing to encourage sustainability and discourage sprawl.

Authority: Rules 9J-5.005(2), 9J-5.006(3)(c)7. & (4)(c), F.A.C.; and Section 163.3177(8), F.S.

Recommendation: Revise the proposed policies to clearly define each type of allowed land use, the minimum and maximum densities and intensities for those uses, maximum parcel sizes for Villages and Neighborhoods, a sustainable mix of land uses, and criteria that will guide the location of development.
B-3. Objection: Open Space

The proposed amendment calls for a portion of the land area under the Villages of Fellsmere future land use designation to be reserved as open space; however, the proposed policies are internally inconsistent in their definition of the area to be reserved, and the policies allow for uses that are inconsistent with Florida Administrative Code. Proposed policy 21.4.8 states that at least 50% of the gross acreage of the “village” shall be for open space components as defined in the development code, annexation/development agreements, or final development order. Proposed policy 21.10 states that a significant amount of open space is designated for the Village. These proposed policies seem to require only that 50% of each village be open space, while amendment materials and proposed policy 21.5, Table 2 states that “overall 50% open space must be maintained for [the] entire gross acreage."

Proposed Policy 21.10.2 details what uses will be allowed and counted toward the open space requirement. These uses include such activities as golf courses, packing houses, agricultural research and education facilities, community recreation areas such as equestrian facilities, boat launches/marinas, and airstrips. Proposed policy 21.10.3 also allows such uses as public and institutional uses, targeted industry, higher education facilities, and subdivisions containing lots exceeding 2 acres to be creditable toward the open space requirement. These uses are inconsistent with the definition of open space in Rule 9J-5.003(84), F.A.C., which defines open space as undeveloped lands suitable for passive recreation or conservation uses. These uses are also internally inconsistent with the stated purposes for the open space in proposed policy 21.10, which lists among the intents of the open space outcomes such as preservation of native habitats, improvement of the health of both the natural and built environment and mitigation of the biological and ecological impacts of new development. The uses allowed in the proposed policy could limit the amount of functional open space within the amendment area.

Authority: Rules 9J-5.003(84) and 9J-5.005(2), F.A.C.; and Section 163.3177(8), F.S.

Recommendation: Revise proposed policies 21.4.8 and 21.10 to be consistent with proposed policy 21.5, Table 2 and to clearly require that at least 50% of the entire gross acreage of the property be set aside for open space uses. Requiring 50% open space within each village is inconsistent with the sustainable intent of the Villages of Fellsmere future land use designation and will not result in the sort of compact, mixed use land use patterns that will discourage urban sprawl. Revise proposed policy 21.10 and related policies to re-define uses that will count toward the 50% open space requirement. These uses must be consistent with Rule 9J-5.003(84), F.A.C., and should include only undeveloped lands suitable for passive recreation or conservation uses.

B-4. Objection: Internal Inconsistencies

Proposed FLUE Policy 21.7.1 requires development within villages on lots less than one acre in size to be serviced by centralized potable water and sanitary sewer
systems. This proposed policy provides no guidance indicating whether development, including nonresidential development, on lots greater than one acre will be required to be serviced by centralized potable water and sanitary sewer systems. Proposed FLUE policy 21.7.1 is internally inconsistent with existing Public Facilities Element policies A-1.8 and 3.1 which require that all new development connect with central potable water and wastewater systems. The use of septic tanks would be inconsistent with the sustainable intent of the Villages of Fellsmere category and could pose environmental issues. The policy should be revised to require all development to be serviced by central potable and wastewater systems.

Proposed FLUE Objective B-21 states that the City Council may award the Villages of Fellsmere future land use designation based upon a conceptual master plan. While Objective B-21 seems to require a conceptual master plan as a pre-condition for designating a property with the Villages of Fellsmere future land use designation, proposed policy 21.1 states that a conceptual master plan shall be submitted “where possible.” Further, proposed policy 21.1.2 states that “VOF projects shall be primarily implemented through the Planned Development District zoning category, upon submittal of a conceptual master plan.” These provisions are inconsistent as to whether a conceptual master plan is required and when in the planning process one should be provided.

Authority: Rules 9J-5.005(2) & (6), 9J-5.006(3)(b)1. & (b)4., F.A.C.; and Sections 163.3177(2), (8), & (10)(e), F.S.

Recommendation: Revise proposed FLUE policy 21.7.1 to require that all new development within the Villages of Fellsmere future land use designation be serviced by centralized potable water and sanitary sewer systems consistent with existing Public Facilities Element policies A-1.8 and 3.1. Revise proposed objective B-21, and proposed policies 21.1 and 21.1.2 to state that a conceptual master plan is required prior to transmittal of proposed Future Land Use Map amendments seeking the Villages of Fellsmere future land use designation and will be adopted into the comprehensive plan to guide development.

B-5. Objection: Diversity of Housing Types and Prices
The proposed policies for the Villages of Fellsmere future land use designation are not sufficient to produce a diversity of housing types and prices, and contain insufficient provisions to ensure long-term affordable housing availability. Proposed FLUE Policy 21.3.1(4) states that “the Neighborhood should provide home-ownership, as well as rental housing opportunities in a coordinated or integrated manner.” This policy is insufficient to provide a sustainable range of housing types and prices. Proposed policy 21.6 states that “provisions for affordable/workforce housing shall be required to ensure that there is housing available within the City.” Proposed and existing plan policies are insufficient to ensure an adequate supply of “affordable workforce housing” as defined in Section 380.0651(3)(j), F.S. The amendment is inconsistent with Section 163.3177(6)(f)(1)d., F.S., because it does not plan for the provision of adequate sites for future affordable and workforce housing. Additionally, inadequate provisions have been
proposed to adequately protect the housing needs of the migrant and farmworker populations.

Authority: Rules 9J-5.005(2), (5), (6), 9J-5.006(1)(g), & (3)(b)1., F.A.C.; and Sections 163.3177(2), (6)(f), & (8), and 163.31771, F.S.

Recommendation: Revise the amendment to adequately require the provision of affordable housing alternatives within the Villages of Fellsmere future land use designation, including policies that will protect affordable housing alternatives for rural and farmworker populations.

C. Objection to the existing LDMXN future land use designation

C-1. Objection: Density/Intensity Standards

The amendment package contains two Future Land Use Map amendments that seek designation under the Low Density Mixed Use Neighborhood (LDMXN) future land use designation; however, this future land use designation does not contain meaningful intensity standards for non-residential development. Future Land Use Element Policy A-4.1(4) limits residential uses to a max of 85% of the total acreage, and non-residential to 15% of the total acreage of a property. FLUE Policy B-2.6.2 states that commercial land uses may consist of up to 100% of the commercial acreage, and recreational or institutional uses may constitute up to 75% of the commercial acreage. However, there is no meaningful mechanism by which to calculate exactly how much commercial and industrial development is allowed.

Authority: Rules 9J-5.005(2), (5), & (6), 9J-5.006(3)(c)7. & (4)(c), F.A.C.; and Sections 163.3177(2) & (6), F.S.

Recommendation: Revise the LDMXN policies to provide meaningful and predictable intensity standards for non-residential uses.

Objections to the FLUM Amendments and associated site specific conditions

D. Objections Common to all Future Land Use Map amendments

D-1. Objection: Demonstration of Need

Because of numerous omissions and inconsistencies, failure to document sources and substantiate assumptions, as detailed in the attached Technical Memorandum dated October 24, 2008, the Analyses of Need are not professionally acceptable. The Analyses of Need projected the City’s population through 2030; however, the City’s comprehensive planning timeframe is only through 2020. The long-range timeframes of the public facilities analyses were inconsistent with the comprehensive plan timeframe and were inconsistent with each other. Further, the amendment did not include a
projection of the City’s affordable housing need updated based upon the new land area and population projections pursuant to Rule 9J-5.010(2)(a)&(b), F.A.C.

Authority: Rules 9J-5.005(2), (2)(c), (2)(e), (4), (5), & (6), 9J-5.006(1)(g), (2)(c), & (3)(b)8., 9J-5.010(2)(a)&(b), F.A.C.; and Sections 163.3177(6)(a), (8), & (10)(e), F.S.

**Recommendation:** Revise the analysis demonstrating a need for additional development capacity to accommodate projected growth to be consistent with the planning horizon of the plan, and to address the issues identified in the attached Technical Memorandum dated October 24, 2008.

**D-2. Objection: Public Facilities Analyses**

(a) **Transportation:** The FLUM amendments are not supported by adequate transportation data and analysis to show the availability of transportation facilities during the short and long-term planning timeframes. Separate traffic analyses were completed for each of the three FLUM amendments without consideration of their cumulative potential impacts on the transportation network, and were based upon development scenarios that are not supported by the comprehensive plan text. Based on a scenario of no development within the first five years, the analyses revealed no short-term impacts; however, the amendment as proposed would allow development within each of the three FLUM amendments, to varying degrees, within the first five years. While a multi-modal transportation system is a stated goal of the Villages of Fellsmere future land use designation, the analysis does not address transit, bicycle and pedestrian modes. Maps were provided illustrating conceptual major roadways; however, no data and analysis was provided demonstrating where and when new roadways and roadway improvements would be needed in order to achieve and maintain the adopted level of service standards. No amendments have been proposed to address the changes needed to the transportation network in order to accommodate the projected growth associated with these amendments, including the new local road network that will be needed to serve the proposed Fellsmere Joint Venture property. While some improvements were identified in the long-term, these improvements were not included in the CIE, nor were strategies identified to provide these improvements.

(b) **Potable Water Supply:** Analysis for the Fellsmere Joint Venture amendment did not provide sufficient data and analysis demonstrating the net cumulative impacts on potable water supply availability and the capacity of potable water facilities, other than: (1) stating that water demand at build-out conditions will be less than current agricultural water use within their existing consumptive use permit (CUP); (2) stating that it is “anticipated” that the existing agricultural CUP may be “re-permitted” to a potable water CUP to achieve water supply; and (3) providing summary data on the sizing of water treatment facilities. It does not appear that Accessory Dwelling Units have been considered in the projection of supply and facility demand. No potable water supply and facility, or sanitary sewer facility analyses were provided for the Ro-Ed/Ansin FLUM amendments.
(c) **Potable Water and Sanitary Sewer Facility**: Sanitary sewer analysis for the amendments did not evaluate existing and projected demand and facility needs based on the maximum development potentials of each FLUM amendment. No potable water supply and facility, or sanitary sewer facility analyses were provided for the Ro-Ed/Ans in FLUM amendments. The amendment materials indicate that these areas will be served by Indian River County Utilities, but no data and analysis was provided to demonstrate that IRC Utilities has, or will have, adequate capacity to meet projected demand, or that they are willing to provide service.

(d) **Public School Facilities**: Incomplete data was provided to demonstrate adequate planning for public school facilities. While some estimates of impacts were provided, the amendment contained no analysis of the impacts of each FLUM amendment based on the maximum development potential on the adopted level of service standard for schools in the impacted school concurrency service areas. The plan amendments do not include school capacity projects to address the impacts on schools. The amendment indicates that land will be donated and that impact fees will be paid to address the school impacts. While the donation of adequate sites is an important first step, the donation of sites and the promise of future impact fee payments do not create capacity that will be needed to maintain level of service standards.

(e) **Financial Feasibility**: Improvements were identified in the above public facilities analyses; however, no amendments were proposed to the Capital Improvements Element or other related elements. Improvements needed to achieve and maintain level of service standards in the short term should be included in the City’s financially feasible Five-Year Schedule of Capital Improvements as well as demonstration of adequate funding sources. Long-term improvements should be included on the City’s future transportation map and included in the Capital Improvements, Transportation, or Public Facilities Element.

**Authority**: Rules 9J-5.005(2) & (5), 9J-5.006(2)(a), (3)(b)1. & (3)(c)3., 9J-5.011(1)(a-c), (1)(e), (1)(f), (2)(b)3., 9J-5.013(1)(c), 9J-5.016(1), (2) & (4)(a), 9J-5.019(3)(f, g, h, & i), and 9J-5.025(2), (3)(c)4. & (3)(c)7., F.A.C.; and Sections 163.3164(32), 163.3177(2), (3)(a), (6)(a), (6)(c), (6)(d), (6)(j), & (8), F.S.

**Recommendation**: Revise the transportation analyses for the FLUM amendments based on the maximum development potential as revised in response to the above objections pursuant to Rule 9J-5.019(3)(f)-(h), F.A.C. Conduct a comprehensive and cumulative analysis of potential transportation impacts from the combined proposed amendment based on the maximum development potential, including accessory dwelling units unless they are restricted to affordable housing. The traffic analysis should be consistent with the phasing of the development, including a 5-year and long-term evaluation of the impact on roadway levels of service considering the amount of development allowed within each phase. If the City’s intention is to allow no development on any of the properties, the proposed policies must be revised to clearly state that. All land use types and densities, and trips from these developments should be estimated in accordance with the scheduled phasing of development. The ITE trip generation categories must be used.
to estimate trips, and calculations for internal and passby traffic should be clearly illustrated and justified in the text.

The analysis should address impacts to SIS facilities, coordination with the Transportation and Capital Improvements Element, including the City’s adopted Five-Year Schedule of Capital Improvements and coordination of the road improvements with the Florida Department of Transportation and the MPO. The evaluation should identify mitigation for all facilities, operating or projected to operate, below adopted level of service standards. Any adverse impact to transportation facilities in the short term must be supported by financially feasible mitigation as provided in the City’s adopted Five-Year Schedule of Capital Improvements. Long term improvements not previously identified as needed in the comprehensive plan should be included on the City’s future transportation map, and coordinated with the County, MPO and FDOT.

Revise potable water supply analyses to consider the net cumulative impacts on potable water availability and the existing and projected demand based on the proposed maximum development potential. Pursuant to the St. Johns River Water Management District’s comments, the following should be provided to demonstrate adequate potable water supply: (1) District-issued agriculture CUP allocations; (2) current year’s actual water withdrawals from irrigation wells associated with District-issued agriculture CUP; (3) projected potable and nonpotable water demand; (4) the timing of agriculture CUP modification to accommodate the projected water demand; (5) projected source withdrawals that will be requested in the agriculture CUP modifications; and (6) the timing of water treatment plants and other water supply infrastructure improvements. Infrastructure necessary to meet demand should be included in the City’s Capital Improvements Element.

Revise potable water facility and sanitary sewer facility data and analysis to demonstrate existing and projected demand based on existing and proposed maximum development potential, design capacity of existing facilities, and capacity of planned facilities to ensure that demand of future development can be met. For those amendments being served by the Indian River County Utilities, provide documentation of a service agreement and demonstrate that projected demand will be met. To the extent that development is scheduled in phases, these analyses should be phased as well to ensure that level of service standards are achieved and maintained.

Revise the public school analyses for each of the amendments. These analyses should evaluate the short- and long-term impacts to schools based upon maximum development potential of the FLUM amendments. Revise the analyses to address the impacts these additional students will have on the adopted level of service standards for schools in the impacted school concurrency service areas. Identify school capacity projects and funding sources needed to achieve and maintain the level of service standards for schools. Analyses should follow the guidelines set forth in the City’s School Element and the Interlocal Agreement. The City and developers must work closely with the Indian River County School Board to reach agreement on a financially
feasible plan to address the impacts to schools over the short- and long-term planning period, and the plans of the School Board should reflect the projected future needs.

E. Objections Specific to the Fellsmere Joint Venture FLUM amendments

E-1. Objection: Sprawl

The amendment exhibits indicators of urban sprawl. While the intent is to overcome urban sprawl by the use of development controls and innovative and flexible planning and development strategies as provided for in Rules 9J-5.006(5)(j) and (l), F.A.C., the plans and policies that were submitted with the amendment do not go far enough to accomplish that intention. The amendment is internally inconsistent with FLUE Objective C-7 because it does not prevent the proliferation of urban sprawl. Due to concerns with the Villages of Fellsmere text as described above, as currently proposed, the Fellsmere Joint Venture FLUM amendment exhibits the following indicators of sprawl:

- Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need.
- Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.
- As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
- Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.
- Fails to maximize use of existing public facilities and services.
- Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
- Fails to provide a clear separation between rural and urban uses.
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
- Fails to encourage an attractive and functional mix of uses.
- Results in poor accessibility among linked or related land uses.
- Results in the loss of significant amounts of functional open space.

Authority: Rules 9J-5.005(2) & (5), 9J-5.006(2)(c) & (3)(b)8., 9J-5.006(4), 9J-5.006(5)(g)1, 2, 4, 5, 6, 8, 9, 10, 11, 12, & 13., and 9J-5.006(5)(h)(i) & (j), F.A.C.; and Sections 163.3177(6)(a) & (8), F.S.
Recommendation: To address urban sprawl, the Villages of Fellsmere future land use designation must be revised consistent with Rule 9J-5.006(5)(j) and (l), F.A.C., and which ensure (a) a balanced and integrated mix of uses, designed to encourage pedestrian and other non-automotive modes of travel; (b) a land use pattern and development controls that protect natural resources and allow for the viable continuation of agricultural operations; (c) a capital improvements plan that is financially feasible and ensures the necessary public facilities and services will be provided; (d) phased development programs designed to discourage leapfrog and inefficient patterns of development; (e) and is supported by demonstrated need. A map or conceptual development plan which will be adopted as part of the site specific conditions should be included identifying the location of the historic City of Fellsmere, the villages, neighborhoods, neighborhood commercial centers, community commercial centers, REACs, and showing the general layout of the internal road network, major components of the infrastructure, natural resource areas, wildlife corridors, parks and schools.

Better definition of the physical layout of the town centers, villages, neighborhoods and commercial centers is needed to describe how greenbelts, parks, buffers, clustering, and open space will be used to frame these areas, how schools and other civic facilities, including medical facilities, will be used to create focal points, how vertical and horizontal mixing will be used to achieve a balanced and integrated mix of uses, and how urban design features will be used to encourage pedestrian and other non-automotive forms of transportation. Pursuant to the Treasure Coast Regional Planning Council’s Strategic Regional Policy Plan, the currently proposed residential densities are insufficient to support transit. Proposed FLUE Policy 21.5, Table 2 encourages clustering in residential areas, but does not require it. This policy should be revised to require clustering, provide criteria defining how clustering will occur, and may provide limited exceptions in specifically defined circumstances.

Proposed FLUE Policy 21.5, Table 2 and related policies should be revised to clearly define minimum and maximum commercial and industrial development, minimum residential densities for neighborhoods, maximum areas for neighborhoods, maximum lot sizes within neighborhoods, and clarify that 50% open space is required to be maintained for the entire gross acreage. The policies should be revised to clearly guide the amount of single-family and multi-family residential development that will be allowed. The number and location of villages should also be defined.

A phasing plan should be included linking residential, employment, and commercial development and ensuring that development is orderly, maximizes the efficiency of infrastructure, and avoids a leapfrog pattern. Open space policies should be revised to ensure and indicate how the open space will be integrated into the plan of development to create sustainable and walkable communities.

E-2. Objection: Site Specific Conditions
Proposed Objective B-22 constitutes the site specific conditions for the Fellsmere Joint Venture FLUM amendment. The Department has identified the following
inconsistencies with this proposed objective. Pursuant to the annexation agreement and various other data and analysis, non-residential development is meant to be limited to between 6 million and 8 million square feet. However, the VOF policies are insufficient to limit non-residential development and no site specific policy has been proposed that would limit non-residential development on the Fellsmere Joint Venture property.

Proposed Objective B-22 lists an incorrect acreage figure, 18,545.27 acres, for the Fellsmere Joint Venture amendment. The amendment site is actually ±18,676 acres. Proposed Objective B-22(A) states that development shall be of a sustainable nature offering a mix of uses; however, neither this objective, nor the Villages of Fellsmere future land use designation policies define a sustainable mix of uses.

Proposed Objective B-22 references an Exhibit "A" which seems to refer to a legal description of the property; however no Exhibit A provided and no legal description is included in the comprehensive plan. This language appears to have been taken from the annexation agreement and the Exhibit A seems to refer to an Exhibit to the annexation agreement. Proposed Objective B-22(C) states that the "owner/developer shall not develop the subject lands for any planned development residential project for five (5) years from the effective date of this agreement," however no date is included and the annexation agreement has not been incorporated into the comprehensive plan.

The amendment and related materials frequently refer to the annexation agreements for specific development requirements that will be placed on the annexation properties. While the annexation agreements are helpful to the Department to understand the intent of how the properties will be used, many of the requirements of the annexation agreements have not been translated into Comprehensive Plan policies and are therefore outside our scope of review and authority. While some of the Department’s objections may be addressed by provisions in the annexation agreements, if they are not included in the Comprehensive Plan, the objections will stand.

Authority: Rules 9J-5.005(2), (5), & (6), 9J-5.006(3)(c)7. & (4)(c), F.A.C.; and Sections 163.3177(2), (8), & (10)(e), F.S.

**Recommendation:** Revise Objective B-22 to define the maximum allowable non-residential development. Revise the acreage figures in the Objective to include the correct acreage. Revise the Objective to define the sustainable mix of uses that will be allowed on the property. Revise the Objective to either incorporate the contents of the Exhibit A being referred to in the text, or otherwise clarify this phrase. Finally, revise the Objective to clarify the timeframe identified as being "five (5) years from the effective date of this agreement."

**E-3. Objection: Internal Inconsistencies**

The Fellsmere Joint Venture FLUM amendment is not entirely consistent with the proposed policies of the Villages of Fellsmere future land use designation. Data and analysis submitted with the Fellsmere Joint Venture amendment refer to an anticipated use of 500,000 sq ft of Marina within the amendment site; however, the Villages of Fellsmere policies do not address marinas as an allowed use and do not set intensity or
locational standards for them. Additionally, as proposed, Objective B-21 seems to require the submittal of a conceptual master plan prior to the designation of a property under the Villages of Fellsmere future land use designation. However, no conceptual master plan has been provided.

The Fellsmere Joint Venture FLUM amendment entails two separate properties, the 18,676 acre property and a 157 acre property located in the northeast corner of the historic City. The proposed amendment is seeks the Villages of Fellsmere future land use designation for both properties. The 157 acre property currently contains mobile homes being utilized by migrant and farmworkers. The annexation agreement calls for this property to be utilized for the purposes of affordable housing. The 157 acre property does not seem consistent with the intent of the Villages of Fellsmere future land use designation; i.e. large formerly vacant, agricultural lands to be developed with a series of Villages and neighborhoods. While the Department is supportive of the City’s intent to use the 157 acre property for affordable housing, the City may wish to consider whether an existing higher density residential future land use designation may better fit the intended use of this property.

Policy FLUE B.9.1 states that elementary school sites shall constitute a minimum of 10-acres, and Middle and High school sites should constitute a minimum of 20-acres. These policies are inconsistent with the adopted Schools Interlocal Agreement which stipulates sites of not less than 20 acres for elementary schools, not less than 40 acres for middle schools, and not less than 80 acres for high schools. Policy FLUE B.9.1 should be revised consistent with the Schools Interlocal Agreement and should also be revised to include the Villages of Fellsmere as a future land use map designation in which schools may be sited. Policy FLUE B-12 lists residential development standards for the existing future land use designations. This policy should be updated to include residential development standards for the new Villages of Fellsmere future land use designation.

Authority: Rules 9J-5.005(2), (5), & (6), and 9J-5.006(3)(c)7. & (4)(c); and Sections 163.3177(2), (8), & (10)(e), F.S.

**Recommendation:** Revise the Villages of Fellsmere future land use designation to specifically list marinas as an allowed use and provide size and location criteria. Demonstrate that this use is consistent with the City’s Comprehensive Plan, and Florida Rules and Statutes with regard to ensuring adequate protection of natural resources. Prior to adoption, develop a conceptual master plan as described in Objection E-1. Revise the amendment to demonstrate that the Villages of Fellsmere future land use designation is an appropriate designation for the 157 acre property, or seek a more appropriate future land use designation for the property. Revise FLUE Policy B.9.1 to be consistent with the adopted Schools Interlocal Agreement, and to state that schools will be permitted within the Villages of Fellsmere future land use designation. Revise FLUE Policy B-12 to list the residential standards for the Villages of Fellsmere future land use designation.

**F. Objections Specific to the Ro-Ed/Ansir FLUM amendments**
F-1. Objection: Sprawl

The Ro-Ed/Ansin FLUM amendments exhibit indicators of urban sprawl. The existing LDMXN policies and the proposed Objective B-23 which sets forth site specific conditions for the 2,592 acre amendment lack sufficient development controls to discourage the proliferation of sprawl. The amendments are internally inconsistent with FLUE Objective C-7 because they do not prevent the proliferation of urban sprawl. The amendments are further inconsistent with FLUE Policy B-2.6.4 because a conceptual development plan has not been submitted to, or approved by, the City Council. Due to the lack of a conceptual development plan, and insufficient development controls within the LDMXN comprehensive plan policies, as currently proposed, the Ro-Ed/Ansin FLUM amendments exhibit the following indicators of sprawl:

- Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need.
- Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.
- As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
- Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.
- Fails to maximize use of existing public facilities and services.
- Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
- Fails to provide a clear separation between rural and urban uses.
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
- Fails to encourage an attractive and functional mix of uses.
- Results in poor accessibility among linked or related land uses.
- Results in the loss of significant amounts of functional open space.

Authority: Rules 9J-5.005(2) & (5), 9J-5.006(2)(c) & (3)(b)8., 9J-5.006(4), 9J-5.006(5)(g)1, 2, 4, 5, 6, 8, 9, 10, 11, 12, & 13., and 9J-5.006(5)(h)(i) & (j), F.A.C.; and Sections 163.3177(6)(a) & (8), F.S.

Recommendation: Pursuant to FLUE Policy B-2.6.4, the FLUM amendments may only be adopted after a conceptual development plan has been submitted to and approved by the City Council. The conceptual development plan(s) and proposed site specific
conditions should be revised and designed consistent with Rule 9J-5.006(5)(j) and (l), F.A.C. Likewise with the Fellsmere Joint Venture amendment, these revisions should ensure (a) a balanced and integrated mix of uses, designed to encourage pedestrian and other non-automotive modes of travel; (b) a land use pattern and development controls that protect natural resources and allow for the viable continuation of agricultural operations; (c) a capital improvements plan that is financially feasible and ensures the necessary public facilities and services will be provided; (d) phased development programs designed to discourage leapfrog and inefficient patterns of development; (e) and is supported by demonstrated need. The conceptual development plan(s) should be adopted as part of the site specific conditions and should identify the location of the Village Center, Town Center, or other commercial area pursuant to FLUE Policy B-2.6.2, other commercial, industrial, institutional, and residential uses, as well as the general layout of the internal road network, major components of the infrastructure, natural resource areas, wildlife corridors, parks and schools.

Better definition of the physical layout of the town centers, villages, neighborhoods and commercial centers is needed to describe how greenbelts, parks, buffers, clustering, and open space will be used to frame these areas, how schools and other civic facilities, including medical facilities, will be used to create focal points, how vertical and horizontal mixing will be used to achieve a balanced and integrated mix of uses, and how urban design features will be used to encourage pedestrian and other non-automotive forms of transportation. The policies should be revised to clearly guide the amount of single-family and multi-family residential development that will be allowed. The number and location of Village or Town Center(s) should also be defined. FLUE Policy B-2.6(9) states that “clustering of residential development shall be utilized to the extent feasible.” This policy should be revised to require clustering, provide criteria defining how clustering will occur, and may provide limited exceptions in specifically defined circumstances.

The annexation agreement for the Ro-Ed/Ansín 2,592 acre property requires 50% open space that may be waived by the City Council; however, this provision is not translated into the Comprehensive Plan. Revise Proposed Objective B-23 to require that 50% of the gross acreage of the property be retained for open space purposes consistent with Rule 9J-5.003(84), F.A.C. The policy should enumerate the instances in which the City Council is allowed to waive this requirement.

A phasing plan should be included linking the amount of residential and commercial development and ensuring that development is orderly, maximizes the efficiency of infrastructure, and avoids a leapfrog pattern. Open space policies should be revised to ensure and indicate how the open space will be integrated into the plan of development to create sustainable and walkable communities.

**F-2. Objection: Internally Inconsistent**

Existing FLUE Policy B-2.6.4 states that “in order to receive approval of a low density mixed neighborhood development Future Land Use designation, a conceptual development plan shall be submitted to and approved by the City Council.” Inconsistent
with this policy, neither of the Ro-Ed/Ans in FLUM amendments have provided or demonstrated that a conceptual plan of development exists for either property.

Authority: Rules 9J-5.005(2), (5), & (6), and 9J-5.006(3)(c)7. & (4)(c); and Sections 163.3177(2), (8), & (10)(e), F.S.

**Recommendation:** Prior to adoption of these FLUM amendments, develop and submit conceptual development plans for each property for approval by the City Council. Pursuant to FLUE Policy B-2.6.4, the FLUM amendments may only be adopted after a conceptual development plan has been submitted to and approved by the City Council.

**F-3. Objection: Site Specific Conditions for Ro-Ed/Ans in 2,592**

Proposed Objective B-23 sets forth certain site specific conditions for the Ro-Ed/Ans in 2,592 acre property. Proposed Objective B-23(A) states that development shall be of a sustainable nature offering a mix of uses; however, neither this objective, nor the LDMXN policies define a sustainable mix of uses. Future Land Use Element Policy A-4.1(4) limits residential uses to a max of 85% of the total acreage, and non-residential to 15% of the total acreage of a property. The amendment has not demonstrated that this will result in a sustainable mix of uses that will reduce off-site impacts pursuant to proposed Objective B-23(A).

Proposed Objective B-23(B) states the “owner shall not develop the Annexation Properties for any planned development residential project uses for five (5) years from the effective date of this agreement,” however no date is included. This language should be revises to reference the annexation agreement by date, and state that no development shall be permitted until after five years from that date.

Authority: Rules 9J-5.005(2), (2)(g), (5), & (6), and 9J-5.006(3)(c)7. & (4)(c); and Sections 163.3177(2), (8), & (10)(e), F.S.

**Recommendation:** Revise Proposed Objective B-23(A) to define a sustainable mix of uses that will reduce off-site impacts, and revise Objective B-23(B) to clearly identify the timeframe through which the development limitation applies.

**II. Consistency with the State Comprehensive Plan**

The proposed amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan set forth in Section 187.201, F.S.:

Goal (4) Housing, Goal and Policy (b)4 (Objection B-5)
Goal (5) Health, Goal and Policies (b)(2)b & c (Objection A-1, B-3, & B-4)
Goal (7) Water Resources, Goal and Policies (b)1, 2, 5, 9, 10 & 12 (Objections B-3 & B-4)
Goal (9) Natural Systems and Recreation Lands, Goal and Policies (b)1 & 7 (Objections B-3)
Goal (10) Air Quality, Goal and Policy (b)2 (Objection A-1)
Goal (11) Energy, Goal and Policy (b)4 (Objection A-1, E-1 & F-1)
Goal (15) Land Use, Goal and Policies (b)1 & 6 (all Objections)
Goal (17) Public Facilities, Goal and Policies (b)1 & 7 (Objections D-2, E-1, & F-1)
Goal (19) Transportation, Goal and Policies (b)3, 9 & 13 (Objection D-2)
Goal (25) Plan Implementation, Goal and Policy (b)7 (all Objections)

**Recommendation:** By addressing the concerns noted in Section I, these inconsistencies with Chapter 187, Florida Statutes, can be addressed.
MEMORANDUM

TO: Kelly Duggar and Mike McDaniel

FROM: Robert Pennock

SUBJECT: Fellsmere Amendment

DATE: October 24, 2008

This memo provides comments on three separate “Analysis of Need” reports prepared by Fishkind & Associates and submitted as part of the Fellsmere plan amendment.

The City of Fellsmere Comprehensive Plan should be based on a single population projection that is used for all plan elements. Instead, the three reports resulted in different projections.

The Villages of Fellsmere (Villages) report states on page 12:
• “As such, Fishkind believes the BEBR High projections represent the most appropriate forecast for projecting population growth in the County.”

The RO-ED 300 Acre Parcel City of Fellsmere FLUM (RO-ED) report and the RO-ED/ANSIN 2,592 Acre Parcel City of Fellsmere FLUM (RO-ED/ANSIN) report state the following on pages 12 and 13:
• “As such, Fishkind believes a more appropriate forecast for Indian River County should project a level of growth which lies between that of the BEBR Medium and the BEBR High projections.”
• “Fishkind feels strongly that the correct population forecast for Indian River County lies between the 205,200 shown by the BEBR Medium projection and the 271,200 shown in the BEBR High projection.”

The reports use different BEBR medium and high projections. The analysis should be based on the best available data, and therefore the most recent BEBR projections should be used.
Although the reports provide extensive arguments and include two different mathematical models, the arguments and models fail to justify the use of a projection other than the BEBR Medium for several reasons, including:

- Assumptions are not explained and based on best available data and analysis;
- Assumptions appear to emphasize those factors which would lead to higher growth while discounting those factors that would lead to less growth;
- Planning and policy factors established by statute and rule, such as the discouragement of urban sprawl and provision of energy efficient land use patterns, appear to be discounted or ignored;
- The use of the non-linear model has not been justified.;
- Factual errors; and
- Failure to consider and use planning data and analysis used by other comprehensive plans for analysis and justification.

All three reports included a parabolic regression model. However, when applied to different BEBR projections, different county projections were computed. These different results then led to different conclusions regarding the appropriateness of using the BEBR High or Medium projections for the county.

The following problems occur with regard to the non-linear regression projection using a parabolic function:

- The analysis of changes in average annual population growth described in Section 6.2 of the reports does not justify the use of a parabolic regression analysis using the county’s share of Florida’s historic growth for the following reasons:
  - The dependent variable is different (average annual population growth vs. county share of Florida population)
  - The non-linear profile of the average annual population growth does not appear to be consistent with a parabolic function
  - The demonstration that these other counties are similar to Indian River County is based on a sparse set of factors. In fact, many other factors may affect growth rates.
- The appropriateness of using a parabolic regression analysis on the share of the county’s growth has not been justified. No evaluation statistics were presented. No comparisons were made with other models.

All three reports included a shift share model. However, when applied to different BEBR projections, different county projections were computed. These different results then led to different conclusions regarding the appropriateness of using the BEBR High or Medium projections for the county.

The following problems occur with regard to the shift share approach:
- Assumes that the growth demand in Broward and Palm Beach Counties will continue at historically high levels, but must go somewhere else. The assumption of sustained high growth demand for these counties has not been justified.

- The assumption that Broward and Palm Beach counties could not accommodate this higher growth (should it occur) has not been adequately explained or justified. The report discounts opportunities for redevelopment, intensification, and development of vacant lands without adequate explanation. The report fails to consider the county’s own analyses.

- Contrary to several statements in the report, BEBR does not estimate or project buildout capacity. Such statements are misleading. For example, the Villages report states on page 22, “… provide the annual growth that the BEBR projections indicate could not be accommodated.”

- The assumptions regarding the distribution of this “spillover” growth are not adequately explained or justified. The report provided no data and analysis supporting the distribution percentages. The analysis ignored Martin and Osceola counties when considering where this growth would occur.

- The term “normal levels of growth” on page 30 is undefined.

- Adding the projected “spillover” to the normal level of growth has not been justified.

The analysis does not take into account development constraints such as wetlands, provision of facilities and services, economic issues. The Indian River County plan shows extensive wetlands (Figure 2.25) and also shows the area including and around Fellsmere to be located in a (natural) constrained area (Figure 2.28). The economic and energy costs associated with such a proposal have not been well considered. Low-density urban sprawl development is more costly and consumes more energy which will likely reduce its marketability as it is simultaneously discouraged by good planning. The analysis does not take into account important policy factors and by projecting forward historical trends of low density sprawl, the analysis supports the continuation of an urban sprawl pattern of development, when such development should be discouraged.

The assessment of Indian River County’s capacity for growth was problematic for the following reasons:

- Did not use the county’s analysis or even make comparisons to the county’s analysis;

- Did not take into account the fact that the county can and likely will increase densities on suitable lands over the planning period, thus increasing the capacity of the unincorporated area substantially;

- The application of a 2.5 allocation factor is not acceptable;

- The analysis fails to provide citations to data. Some of the data is questionable. Some data may be inappropriately aggregated and may therefore mask important facts leading to false conclusions. For example, the data show that the average existing density is about 1 dwelling unit to 3 acres (144,000 acres ÷ 49,000 d.u.). This information requires further analysis;
• The analysis was not based on maximum densities, but rather on a percentage of maximum that has not been justified. Moreover, the Villages report claims that a “conservative” percentage is 75% while the other reports use 70%. This appears to show the rather subjective selection of a percentage below the maximum.
• Fails to consider the capacity of other incorporated communities.

The concept of “structural change” which forms the basis of the analysis is not clearly explained or demonstrated. There are multiple unsubstantiated assumptions, including:
• The statement, “structural changes in Florida’s economy” was not explained or verified
• The claim of relative build out of South Florida’s coastal areas has not been substantiated for a variety of unsupported reasons, including:
  ◦ Palm Beach, Martin, and St. Lucie counties have substantial undeveloped lands available for new growth. Miami Dade, Broward, and Palm Beach counties have substantial opportunities for redevelopment to accommodate larger populations.
  ◦ Fellsmere is not located within one of the identified major growth regions (Figure 4.3), however southeast Florida coastal counties are shown as a major growth region. This contradicts the argument of “relative buildout”
• The claimed change of growth components and locations does not support the argument for higher growth.
• The claim of “sustained migration to Florida” does not represent a change. The more pertinent question is whether such historical migration trends will continue and be sustained.
• The claimed “shift to place-making mixed use communities, self sustaining towns and villages” is not explained or verified.
• The claim that there would be sustained advantage of low cost land has not been demonstrated.

The report makes and relies upon unsupported or erroneous statements, including:
• That Fellsmere is in a “strategic location just to the north of the tri-county southeast Florida coast” and the argument that “growth has expanded to secondary and tertiary counties.” On the contrary, Indian River is two counties removed from this area and it apparently is neither a secondary or tertiary county. Further, the strategic aspects of its location are not explained or verified.
• That Fellsmere has an advantage due to its “proximity to the Florida Turnpike and Interstate 95.” On the contrary, Fellsmere is distant from any turnpike access and Fellsmere is about six miles from Interstate 95.
• The claim that the BEBR forecasts do not already encompass changed conditions and more rapid growth has not been demonstrated. The BEBR projections have been substantially increased over the last 20 years by incorporating higher historical growth rates. It appears that the BEBR projections have already accounted for changed growth patterns.

An analysis of this type should equally consider the full range of factors that may affect future growth and development. Instead, the analysis emphasizes arguments as to why the Fellsmere
area might grow while discounting contrary factors, including: the threat of hurricanes; and the poor accessibility to urban centers and associated increased energy costs.

The report does not provide appropriate and complete citations to the data. The report ignores available data and analysis that may provide contrary information.

**Allocation ratio:** An allocation ratio of 2.5 for a 25 year plan (as recommended on pages 33 and 43 in the Villages report and other pages in the other reports) is excessive. This would essentially provide for 62.5 years of growth and would undermine the plan and the ability to appropriately direct and manage growth. Planning and making projections for beyond 20 to 25 years involves great uncertainty and speculation. Such planning should not prematurely entitle land use densities and intensities.

**Fellsmere share of county growth:**
- The projected increase in Fellsmere’s share of county growth has not been adequately explained. The statement on page 37 (Villages report), “the historical growth patterns would suggest that the City of Fellsmere would account for just under 6% of the countywide population by 2030” has not been explained. The other reports include a similar statement, but include 7% instead of 6%. How was this projection made? The increase to 15% appears to be completely speculative.
- The effect of this seemingly small change, from 3.35% to 15%, has a huge effect on the population projection, increasing it from 8,995 to 40,275 (an increase of 447%). Therefore, the projection of the share of county growth must be done with great care. An increased supply of land does not directly relate to an increase demand for a share of population growth. This is an unacceptable assumption.

With regard to the Fellsmere Household Demand and vacancy rate, the reduction in persons per household (pph) has not been explained or justified. The seasonal/vacancy rate for Fellsmere has not been explained or justified.

With regard to the Fellsmere Residential Holding Capacity, the analysis was not based on maximum densities, but rather on a percentage of maximum that has not been justified. One of the problems with the analysis was the application of less than maximum densities to undeveloped lands in Fellsmere that currently have very low densities. However, those densities will likely increase.

With regard to the non-residential analysis, an allocation ratio of 2.5 has not been supported or justified. Also, it is not clear that the analogues are appropriate.
To: Council Members

From: Staff

Date: July 17, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Town of Lantana Comprehensive Plan
DCA Reference No. 09-1ER

Background

On June 8, 2009, the Town of Lantana adopted text amendments to a number of elements of the Town Comprehensive Plan. The amendments are pursuant to an Evaluation and Appraisal Report that was found sufficient by the Florida Department of Community Affairs (DCA) on May 29, 2007.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the amendments at a regular meeting held on April 17, 2009. The DCA issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on May 1, 2009.

Evaluation

A. TCRPC Report

The report approved by the TCRPC contained no comments or recommendations for modification. The amendments were considered to be consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The DCA Report contained five objections. The objections had to do with:

1. the failure to adopt the Florida Department of Transportation level of service standards for facilities on the State Intermodal System;
2. the failure to include an objective and strategies to preserve recreational and commercial working waterfronts;
3. the failure to include improvements identified in the Ten Year Water Supply Facilities Plan in the Capital Improvements Schedule of the Capital Improvements Element.
4. the lack of a policy in the Infrastructure Element that addresses water supply concurrency; and
5. the lack of a policy in the Coastal Management Element to correctly define the Coastal High Hazard Area.
C. Town Response

1. To TCRPC Comments/Recommendations for Modification

   No response necessary.

2. To the DCA ORC Report

   The Town response to the DCA objections is shown as Attachment A.

Conclusion

For information only.

Attachment
Town of Lantana
EAR-Based Comprehensive Plan Amendment 09-1ER

Summary of Response to
DCA Objections, Recommendations and Comments (ORC) Report

1. Objection #1: State Interposial System (SIS) LOS – The Town needs to adopt a new policy or revise an existing policy that adopts Level of Service (LOS) standard “E” for Interstate 95 and LOS standard “D” for any SIS connectors within the Town.

   Town Response: Policy Tran. 1.1.1, see below, in the Transportation Element was revised to address this Objection.

   **Policy Tran. 1.1.1:** The following level-of-service standards shall be maintained on roadways during peak hour and daily conditions:

   A. State Principal Arterial Roadways.
      1. I-95 - LOS D E per County standard
      2. US 1 (SR 5) - LOS D per County standard

   B. State Minor Arterial Roadways
      1. SR A1A - LOS D per County standard

   C. County Minor Arterial Roadways (including State Interposial System Connectors)
      1. East Ocean Avenue – LOS D per County standard
      2. Lantana Road – LOS D per County standard
      3. Hypoluxo Road – LOS D per County standard

   D. City Collector Roadways
      1. Broadway - LOS C

   E. Local Roadways
      1. Town local streets - LOS C

2. Objection #2: Waterfronts. The Town should add an objective and associated policies that include strategies to preserve recreational and commercial working waterfronts as defined in s. 342.07, F.S.

   Town Response: Added Objective CM 1.8 and associated policies, in the Coastal Management Element.

   **OBJECTIVE CM 1.8:** The Town shall encourage the preservation of recreational and commercial working waterfronts.
Policy CM 1.8.1: The Town will continually monitor the values of waterfront properties that could be purchased to increase public access should funds become available.

Policy 1.8.2: By December of 2011, the Town shall develop a strategy to preserve recreational and commercial working waterfronts.

3. Objection 3: Capital Improvements Schedule. The Town needs to add the following projects in the Five Year Schedule of Improvement to maintain adopted water Levels of Service (LOS): 1) the resin replacement of Anion and Ion Exchange Systems at the Water Treatment Plant for years 2012 and 2018, and 2) the two new raw water supply wells (Numbers 11 and 12) for years 2009 and 2010, respectively.

Town Response: The projects were added to Table CIE 1, attached.

4. Objection 4: Water Supply Concurrency. The Town should add a policy to the Infrastructure Element that addresses water supply concurrency to ensure an adequate water supply is available to serve development later than the issuance of a certificate of occupancy.

Town Response: Policy Inf 1.1.4 was revised to include the necessary commitment to concurrency for water supply and all other services.

Policy Inf 1.1.4: The Town shall issue Development Orders only when there is enough capacity from all facilities to serve the project at the adopted level of service standards. No certificate of occupancy or completion shall be issued unless all facilities and services are available including: sanitary sewer, solid waste, drainage, potable water and transportation.

5. Objection 5: Coastal High Hazard Area (CHHA). The Town should include a policy in the Coastal Management Element to properly define the CHHA and revise Figure CM 1 to depict the correct location of the CHHA within the Town’s boundaries.

Town Response: Policy CM 1.5.1 was revised to include the required language and Figure CM 1 was revised to depict the CHHA in the correct location.

Policy CM 1.5.1: The definition for Coastal High Hazard Area shall be is “the area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model” in accordance with Rule 9J-5.003 (19), Florida Administrative Code, as established by the Treasure Coast Regional Planning Council and Section 163.3178(2)(h), F.S.
6. **Other Revision to Plan Not in Response to Objection.** The Town has added a new future land use category, Mixed Use – Industrial (MI), to provide for the development of flexible industrial and commercial uses in close proximity to residential space.

**Policy LU.1.1.7.2 Mixed-Use Industrial (MI).** The Mixed-Use Industrial District provides for flexibility in allowing different types of land uses within close proximity to one another on parcels suitable for development as both employment centers and residential. The intent of this category is to promote opportunities for businesses and jobs in light industrial manufacturing, research facilities and laboratories, offices, commercial retail, as well as energy-efficient living. All three (3) of the uses listed herein must be utilized for any Mixed-Use Industrial Development. Minimum property size shall be established by the Town’s Land Development Regulations. The maximum allowable residential density shall be 5.81 units per acre. The maximum allowable combined commercial and industrial intensity shall be a floor area ratio (FAR) of 1.0. The land development regulations shall define the specific uses and activities allowed as well as the physical characteristics of development in the Mixed-Use Industrial category. The following distribution of uses is allowed in this category (percentage applies to total development square footage):

- **Light industry - Minimum of forty (40) percent**

- **Commercial uses, including retail, service, restaurant and professional services - Minimum of five (5) percent and maximum of forty (40) percent**

- **Residential uses - Minimum of five (5) percent and maximum of thirty (30) percent**
To: Council Members
From: Staff
Date: July 17, 2009 Council Meeting
Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Town of Mangonia Park Comprehensive Plan
DCA Reference No. 09-IER

Background

On May 19, 2009, the Town of Mangonia Park adopted text amendments to all elements of the Town Comprehensive Plan. The majority of the amendments are pursuant to the recommendations of the Town’s Evaluation and Appraisal Report (EAR) of August 29, 2006. Some text amendments address statutory requirements regarding water supply planning.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on February 20, 2009. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on January 30, 2009.

Evaluation

A. TCRPC Report

The report approved by the TCRPC contained one comment/recommendation. It had to do with the failure to address the redevelopment of former housing parcels; one of the major issues identified in the Town EAR.

B. DCA ORC Report

The ORC Report contained ten objections. The objections are shown in Attachment A.

C. Town Response

1. To TCRPC Comments/Recommendations for Modification

The Council comment/recommendation was included by the DCA as part of Objection 1 in the ORC Report. See the Town’s response in Attachment A.
2. To the DCA ORC Report

The DCA objections and the Town revisions to address those objections are shown in Attachment A.

Conclusion

For information only.

Attachment
A. General

Objection 1: The Comprehensive Plan does not have adequate policies to address the redevelopment of former housing parcels within the Town. This was identified as a major issue by the Town in the Evaluation and Appraisal Report. The Evaluation and Appraisal Report recommended that the Town rezone smaller undeveloped residential parcels to commercial or industrial designations in order to induce private development that would enhance the property tax base. The Evaluation and Appraisal Report recommended that the Town form an entity such as a Town Economic Redevelopment Corporation to assemble and market these parcels within the Town and stated that plan amendments were needed in the Future Land Use, Housing, and Intergovernmental Coordination Elements of the Comprehensive Plan to address this major issue. The Town did not include any policies in the Plan to address this issue.

Authority: Sections 163.3177(6)(a), (b) and (h)1.a.; and 163.3191(1)(c), and (10), F.S.; and Rules 9J-5.003(90), 9J-5.005(6) and (7), F.A.C.

Recommendation: Revise the Future Land Use Element, Housing, and Intergovernmental Coordination Elements to include policies with specific and meaningful programs and activities to be undertaken by the Town to address the redevelopment of former housing parcels within the Town.

Proposed Revision:

Add narrative discussion on existing land use to note several parcels in the southeastern portion of the Town have an existing residential use, although the properties are zoned in a non-residential category such as commercial or industrial. Note, a Study will be prepared to identify and evaluate these parcels in more detail and based on the results of the Study, the Town Commission will implement the recommendations of the Study. Include new policies in the Future Land Use and Housing Elements as appropriate.

See added narrative on page 42. See revised Future Land Use Objective 1.02.02.00 and added Future Land Use Policy 1.02.02.03. Also revised Housing Objective 3.01.05.00 and added Housing Policy 3.01.05.03. Additional minor revisions were also made to these items to reflect additional "courtesy review" comments received from the Treasure Coast Regional Planning Council.
Objection 2: The Town has not established the appropriate short (five-year) and long term (10 year) planning time frames in the proposed revisions to the comprehensive plan. As a result, the data and analysis to evaluate the adequacy of existing facilities and the need for new or expanded facilities to meet projected growth is incomplete.

Authority: Sections 163.3177(3)(a)1, (5)(a), (6)(a), and (c), and (8), F.S.; and Rules 9J-5.005(4), and (5)(a), 9J-5.006(2) (a), (3)(b)1 and 3(c)3, 9J-5.011(1), (2)(b)1, and (2)(c)1, 9J-5.016(1), (2), (3)(b)1, 3,4, and 5, (3)(c)6, and (4), 9J-5.019(3), (4)(b)2, and (c)1, F.A.C.

Recommendation: Revise the data and analysis to include planning time frames of at least five years subsequent to the adoption of the revised comprehensive plan and for a minimum overall time frame of 10 years. Since it is anticipated that the Town will adopt these revisions to the comprehensive plan in 2009, the five and ten year planning times should be 2014 and 2019, respectively. Additionally, the Town needs to revise its population projections to include the year 2019 and revise the data and analysis in each of the comprehensive plan elements to evaluate the impacts this anticipated growth will have on the Town’s roads, housing, infrastructure, recreation, and the need and timing of capital improvements to meet the demand created by the Town’s future residents.

Proposed Revision:

Revised the Town’s 2018 population projections to 2020 to provide a minimum planning period of at least 10 years. Revised all Plan Elements and future maps to include a planning period to 2020. See revised narrative discussion on population and Table 2 Population Projections on page 41. See Future Land Use Map discussion page 42, population and water demand projection Water Supply Facility Work Plan page 59, planning period discussion on Transportation Element on page 69 and 2020 Transportation Map page 71.
A. Future Land Use Element

Objection 1: The Town did not include an Existing Land Use Map.

Authority: Sections 163.3177(6)(a) and (d), F.S.; and Rule 9J-5.006(1), F.A.C.

Recommendation: Include an Existing Land Use Map or map series for 2009. The map or map series should include the following: Existing Land Use Designations; public buildings and grounds; existing and planned public potable waterwells and wellhead protection areas; beaches and shores including estuarine systems; rivers, lakes, bays, floodplains and harbors; wetlands; minerals and soils; and indicate the generalized uses of land adjacent to its boundaries.

Proposed Revision:

Revise all Comprehensive Plan Maps to utilize the same base and a future date of 2020. Prepared the following Map Series:

• Existing Land Use (Figure 2)
• Existing Zoning (see Figure 3);
• Bioscience Overlay (see Figure 4);
• 2020 Future Land Use (see Figure 5);
• Water Service Area (Figure 6)
• Existing Transportation (see Figure 8):
• 2020 Future Transportation (see Figure 9);
• Soil Characteristics (see Figure 10);
• Flood Zones (see Figure 11); and,
• Wellfield Zones and Lakes (see Figure 12);
Objection 2: A Future Land Use Map has been included, but it is not adequate. The Town has not identified the future year it is intended to represent.

Authority: Section 163.3177(5)(a), and (6)(d), F.S.; and Rule 9J-5.005(4)(1)(e), F.A.C.

Recommendation: Revise the Future Land Use Map to identify the future year it is intended to represent. The long term planning time frame needs to be a minimum of 10 years from adoption of the updated comprehensive plan. Since it is anticipated that the amendments will be adopted in 2009, the long term planning time frame should be 2019. The Town has not adopted and transmitted its Capital Improvement Element update; therefore, pursuant to Section 163.3177(b)1, F.S., the Town cannot adopt this update to the Future Land Use Map until after the Town has adopted and transmitted its Capital Improvements Element update.

Proposed Revision:

As noted in the prior objection, all maps are being revised and all future maps will have a 2020 date, thereby providing a minimum 10 year planning period (see Figure 5).

A separate updated Capital Improvement Element will be submitted concurrently with the EAR Based Plan Amendments. See new narrative and tables pages 72 to 76.
Objection 3: The Town’s Evaluation and Appraisal Report noted that the Future Land Use Element does not include a list of land use categories with accompanying permitted land uses and density and intensity standards. The Evaluation and Appraisal Report recommended that the Town add these during the Evaluation and Appraisal Report based amendment process. This was not done. Without land use categories and accompanying density and intensity standards, the maximum development potential of a particular parcel can not be determined.

Authority: Sections 163.3177(6)(a), F.S.; and Rules 9J-5.005(2); and 9J-5.006(3)(c)5 and 7, and (4)(c), F.A.C.

Recommendation: Revise the Future Land Use Polices to include density and intensity standards for all land use categories, such as density standards that would establish the maximum development potential for each residential land use category and floor area ratios, or another objective measurement, which would establish the maximum development potential for each non-residential land use category.

Proposed Revision:

Add new policies, and possibly a new objective, to provide density and intensity standards for all land use categories (except for Commercial Flex). See new Objective 1.02.05.00 and Policies 1.02.05.01 – 1.02.05.02 added to Future Land Use Element. Existing Policy 1.02.03.02 provides intensity standards for Commercial Flex.
Comment: The Town is sixty two years old and should make plans to locate and evaluate the structures within the Town for architectural or historical significance. Once the structures are identified, the Town should implement effective measures for protection and preservation of historical structures.

Proposed Revision:

Add a policy to seek grants to fund a historic and architectural survey of Town buildings and residences. See new Conservation Objective 5.03.03.00 and new Policies 05.03.01 -05.03.02.
B. **Transportation Element**

**Objection 1:** An Existing Transportation Map has not been included.

**Authority:** Section 163.3177(6)(b), F.S.; and Rule 9J-5.019(2)(a), (5)(a) and (b), F.A.C.

**Recommendation:** Include an Existing Transportation Map or map series for 2009. The map or map series should include: limited and controlled access facilities and significant parking facilities; the general location of the public transit system including public transit routes or services, public transit terminals or transfer stations, and public transit right-of-ways and exclusive public transit corridors; significant bicycle and pedestrian ways; the existing functional classification and maintenance responsibility for all roads; the number of through lanes for each roadway; the major public transit trip generators and attractors; and existing peak hour and peak direction levels of service.

**Proposed Revision:**

As noted earlier, an Existing Transportation Map will be prepared. A narrative will also be added to the data and analysis on the Transportation Element. See new Transportation narrative and Figures 8 and 9 (see pages 66 to 71).
Objection 2: A Future Transportation Map is included, but is inadequate. The Town has not identified the future year it is intended to represent. Additionally, the transportation map does not include the proposed location of the public transit system including public transit routes or service areas, public transit terminals or transfer stations, and public transit right-of-ways and exclusive public transit corridors; proposed significant bicycle and pedestrian ways; the maintenance responsibility for all roads; the projected number of through lanes for each roadway; and projected peak hour and peak direction levels of service. Additionally, the map is small and difficult to read.

Authority: Sections 163.3177(5)(a), (6)(a), (b), and (j), F.S; and Rules 9J-5.005(1)(c) and (4); and 9J-5.019(2)(a), (5)(a) and (b), F.A.C.

Recommendation: Revise the Future Transportation Map to include the future year that the map is intended to represent. The long term planning time frame needs to be a minimum of 10 years from adoption of the updated comprehensive plan. Since it is anticipated that the amendments will be adopted in 2009, the long term planning time frame should be 2019. Revise the map to include: limited and controlled access facilities; public transit routes or service areas; public transit routes or terminals; public transit rights-of-way and exclusive public transit corridors; significant bicycle and pedestrian ways; the existing functional classification and maintenance responsibility for all roads; the number of through lanes for each roadway; designated local and regional transportation facilities critical to the evacuation of the coastal population; existing peak hour and peak direction levels of service and capacity of significant parking facilities with duration limitations if applicable.

Proposed Revision:

As noted earlier, a 2020 Future Transportation Map is being prepared. A narrative will also be added to the data and analysis on the Transportation Element. See new Transportation narrative and Figures 8 and 9 (see pages 66 to 71).

Additional revisions were made to the Transportation GOP’s to address LOS concerns of FDOT to incorporate I-95 and SR710 which are located within one mile of the Town limits. See policies 2.01.02.02 and 8.01.02.03.
Housing Element

Objection 1: The policies that address affordable housing are inadequate. The Town has not included any policies to address very-low income housing.

Authority: Section 163.3177(6)(a) and (f), F.S.; and Rules 9J-5.010(3)(b)1, 3, and (c)5 and 10, F.A.C.

Recommendation: Include policies to ensure sufficient sites at sufficient densities to address affordable housing for very-low-income households equitably distributed within the Town. If the Town can demonstrate that it is not economically feasible for the Town to meet the affordable housing needs within its jurisdiction because of unusually high property values, the Town may address this affordable housing issue by having entered into an Interlocal Agreement with a nearby local government. If such an Interlocal Agreement does not exist, the Town should include a policy to support regional efforts to address low income and work force housing by working with the Palm Beach County Intergovernmental Plan Amendment Review Committee to attempt to develop an Interlocal Agreement whereby municipalities with similar affordable housing constraints could jointly pursue a comprehensive approach and solution to this county-wide issue within two (2) years from the date of adoption of this policy.

Proposed Revision:

Provide information (if available) to demonstrate the Town currently provides adequate sites for low income households and therefore does not need to provide additional policies. Added narrative to demonstrate the Town housing costs are lower than Palm Beach County and the State (see page 72). Modified Objective 3.01.03.00 to add, very low income.
E. **Infrastructure Element**

**Objection 1:** The proposed amendment does not adequately address the requirements of Section 163.3180(2)(a), F.S. pertaining to water supply concurrency.

**Authority:** Sections 163.3167(13); and 163.3180(2)(a), F.S., Rules 9J-5.0055(1); and 9J-5.016(3)(c), (5) and (6), F.A.C.

**Recommendation:** Include a policy to state that prior to approving a building permit or its functional equivalent, the Town will consult with the Town’s water utility to determine whether adequate water supplies will be available to serve the new development no later than the anticipated date of issuance of a certificate of occupancy or its functional equivalent by the Town.

**Proposed Revision:**

Add policy to verify that adequate water supplies are available to serve the new development by the Town a CO is received. Policy 4.06.01.13 was added to address this issue.
**Comment:** The Town has adopted a potable water level of service standard for non-residential land uses. However, the standard is based on a per capita equivalent rather than a measure more suited to non-residential uses. The Town should consider revising the standard to be based on the specific type of non-residential land use such office, commercial, and industrial and use gallons per square foot or another appropriate measure.

**Proposed Revision:**

Provide revised policies for the potable water LOS for non-residential land uses. See revised Objective 4.04.01.00; Policies 4.04.01.01, 4.06.01.03 and 8.01.02.03.

**Comment:** Policies 4.06.01.06 and 4.06.01.08 are identical. One should be eliminated prior to adoption of the amendment.

**Proposed Revision:**

Duplicate Policy 4.06.01.08 was deleted.
F. Capital Improvements Element

Objection 1: The Town did not include a Capital Improvement Program or Five-Year Schedule of Capital Improvements. Section 163.3177(3)(b)1, F.S., requires local governments to adopt a financially feasible, Five-Year Schedule of Capital Improvements by December 1, 2008.

Authority: Section 163.3177(3)(a)2 and 5; and (b)1, F.S.; and Rule 9J-5.016 (1)(a) and (c); (2)(a), (b), (c), (e), and (f); and (4)(a)1, F.A.C.

Recommendation: The Town should include a financially feasible Five-Year Schedule of Capital Improvements to correctly reflect the Capital Improvements Program for the period 2008/09 through 2012/13. Additionally, the Town should identify which projects, if any, are needed in the next five years. The Town should provide adequate detail in the project descriptions regarding location and whether the projects are needed to achieve or maintain level of service standards or to meet future demand. The Town should identify funding sources on a year by year basis and indicate whether the funds are committed or planned. Revenue sources must be committed for the first three years of the schedule and can be committed or planned revenues sources for years four and five.

Proposed Revision:

Additional data and analysis will be provided to provide information needed in the Capital Improvement Element. A 5 year Capital Improvement Table will be provided as required. The updated and revised Capital Improvement Element will be submitted and processed separately but concurrently with the EAR Based Plan Amendments.

New Capital Improvement narrative and tables provided on pages 72 to 78.
To: Council Members

From: Staff

Date: July 17, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Port St. Lucie Comprehensive Plan
DCA Reference No. 09-1

Background

On May 11, 2009, the City of Port St. Lucie adopted text amendments to the Future Land Use Element and amendments to the Future Land Use Map (FLUM) of the City Comprehensive Plan. The FLUM amendments include three (Orange Lake Crossings, Groves Brothers Company and Lufts Grove) which are located in the Northwest Annexation Area of the City.

The proposed (draft) amendments were transmitted by the City as two amendment rounds (DCA Reference Numbers #09-1 and #09-2). The City has consolidated the amendments into one adoption submittal which has been assigned the reference number of #09-1 by the Florida Department of Community Affairs (DCA).

The Treasure Coast Regional Planning Council (TCRPC) reviewed both sets of proposed amendments at a regular meeting held on February 20, 2009. The DCA issued an Objections, Recommendations and Comments (ORC) Report for #09-1 on March 13, 2009 and for #09-2 on March 27, 2009.

Evaluation

A. TCRPC Report

The report approved by the TCRPC for proposed round #09-1 amendments contained five comments/recommendations (see Attachment A). The first comment had to do with the impacts of development in the Western Annexation Area on the other parts of the City. The remainder of the comments had to do specifically with the Orange Lake Crossings FLUM amendment (P08-179).

The report approved by the TCRPC for proposed round #09-2 amendments (see Attachment B) included six comments/recommendations for the Graves Brothers (P06-262) and Lufts Grove (P08-019) FLUM amendments; and one comment/recommendation regarding proposed Policy 1.1.4.17 of the Future Land Use Element.
B. DCA ORC Report

The ORC Report for the proposed amendments in round #09-1 contained three objections; all pertaining to the Orange Lake Crossings FLUM amendment.

The ORC Report for the proposed amendments in round #09-2 contained two objections; one pertaining to the Floridian Golf Club (P08-016) FLUM amendment and one pertaining to the Graves Brothers (P06-262) and Lulfs Groves (P08-019) FLUM amendments.

C. City Response

1. To TCRPC Comments/Recommendations for Modification

   The City did not provide Council with a response to the TCRPC comments/recommendations.

2. To the DCA ORC Report

   The City’s practice is to have landowners or their consultants respond to objections made by the DCA for FLUM amendments. Therefore, there is no direct response from the City to the DCA objections. The responses from the landowners/representatives are shown in the following:

   Attachment C – Orange Lake Crossings (P08-179)
   Attachment D – Floridian Golf Club (P08-016)
   Attachment E – Graves Brothers (P02-262)
   Attachment F – Lulfs Groves (P08-019)

Conclusion

For information only.

Attachment
Comments/Recommendations

A. General

1. The City seems committed to annexing and assigning increased development rights to lands within the Western Annexation Area. Part of its consideration in approving development in this area should be the effect the development will have on other areas of the City. At a time when development has nearly come to a halt, and when foreclosures and vacancies are among the highest ever experienced, the effects of opening more area for new development on other areas of the City should be carefully considered. What effect will there be on efforts for revitalization and infill in the original part of City? What effect will the opening of new land for development have on property values and the viability of other nearby areas of the City that are currently vacant but approved for development? Does the City have the financial capacity to construct improvements in these new areas of the City and to maintain the improvements during a time when development is likely to be scattered throughout different areas? Can the County, School District, and City build and maintain new schools, parks, libraries and other facilities over such a wide area?

FLUM Amendments

B. Orange Lake Crossings

1. Map A1 of the City Transportation Element is the “Western Study Area Roadway Network Plan” (Exhibit 11). This Plan may need to be modified, if necessary, to accommodate the City vision for this area. Based on an exhibit submitted with the Orange Lake Crossings amendment application, the adopted Roadway Network Plan may already be in need of modification (see Exhibit 18). As modifications are made, the City should ensure that the integrity and density of the major roadway network through the area is maintained. As development is proposed, the City should also ensure that the local street network is not only adequate, but fully connects with the larger roadway network. There should be no significant disruptions to the network, such as large, gated development.

2. The conceptual master plan for the Orange Lake Crossings Development (see Exhibit 19) shows a one-acre transit hub within the commercial area of the proposed development. The St. Lucie Transportation Planning Organization should be consulted for advice on the size and location of this future transit hub.

3. During the review of previous amendments for the Western Annexation Area, the City indicated that staff was developing a workforce housing program. Council recommended that no more density increases be assigned until the City adopted and implemented such a program. The City has yet to prepare and adopt a workforce housing program. However, the City did establish an Affordable Housing Committee which prepared a report with findings and recommendations that were presented to the City on December 8, 2008. The City has not yet taken actions on these recommendations. This proposed amendment shows locations that would allow a variety of housing density. However, it is not clear if the assignment of these FLUM designations will result in a range of housing types and
affordabilities, with both owner and renter households consistent with Regional Goal 2.2. The City should require a range of housing types and affordabilities in all new development in the Western Annexation Area.

4. The St. Lucie County Growth Management Department has provided letters to the City (Attachment A) and to the TCRPC (Attachment B) expressing concerns that the Orange Lake Crossings amendment 1) is in an area unprepared to absorb development impacts at the densities proposed; 2) would promote urban sprawl; 3) would burden an already constrained roadway capital improvements program; and 4) does not provide sufficient details as to how the property will be developed and used. Although there is no Joint Planning Agreement for this area (a recommendation made by the TCRPC previously), the City should coordinate closely with St. Lucie County to ensure that long range roadway network, public school facility and related plans can be mutually agreed upon and implemented.
Comments/Recommendations

FLUM Amendments

A. Graves Brothers Company (P06-262)

1. Map A1 of the City Transportation Element is the “Western Study Area Roadway Network Plan” (Exhibit 19). This Plan may need to be modified as necessary, to accommodate the City vision for this area. Based on the Conceptual Master Plan provided with the application materials for Amendment P06-262, the proposed roadway referenced as East/West #5 (or Newell Road on the City Right-of-Way Network Map – see Exhibit 21), would not continue through the subject property and connect with Shinn Road. This east/west corridor is a very important component of the roadway network. The City should ensure that the integrity and density of the major roadway network through the area is maintained. As development is proposed, the City should also ensure that the local street network is not only adequate, but fully connects with the larger roadway network. There should be no significant disruptions to the network, such as large, gated development.

2. The proposed amendment shows 15.8 acres to be designated as Open Space Recreation. The recreational acreage is required in order to meet the City’s established recreation level of service. However, there is no indication at this time that the land is to be dedicated to the City for park land or that the recreation area is to be connected to lands that are to be reserved for recreational use on adjacent properties (including the West Creek property to the immediate east). It is important that such areas be connected when feasible so that the City can establish a network of greenways, pedestrian trails, bicycle trails, etc.

3. During the review of previous amendments for the Western Annexation Area, the City indicated that staff was developing a workforce housing program. Council recommended that no more density increases be assigned until the City adopted and implemented such a program. The City has yet to prepare and adopt a workforce housing program. However, the City did establish an Affordable Housing Committee which prepared a report with findings and recommendations that were presented to the City on December 8, 2008. The City has not yet taken action on these recommendations.

This amendment would designate 263 acres for low density residential development. The City has already designated hundreds of acres in this area for low density residential development (see Table 2). It is important that this property and all others in the area contain a mix of housing types and sizes. It would be more appropriate if some medium and high density residential development be built on this property, perhaps as a transition between the commercial uses and the lower density residential uses. Only with a variety of housing types, sizes and prices will the City achieve the mix of housing necessary to meet the needs of the workforce that would reside in this area. The City should require a range of housing types and affordabilities for both owner and renter households in all new development in the Western Annexation Area consistent with Regional Goal 2.2.
B. Lulfs Grove (P08-019)

1. The FLUM amendment materials show that both McCarty Road and East/West Road #6 would run through this property when developed. As indicated above, it is very important that the City ensure the proposed roadway network through the Northwest Annexation Area includes adequate east/west and north/south interconnections to the larger roadway network of the area (Glades Cut-Off Road, Midway Road, Rangeline Road).

2. The City of Port St. Lucie has not established any Mixed Use FLUM designations in the comprehensive plan; although Policy 1.1.8.1 of the Future Land Use Element indicates the City shall encourage developers to build mixed-use projects which integrate several land uses. However, the absence of mixed use FLUM designations makes the implementation of this policy unwieldy; requiring several existing FLUM designations to be applied to different portions of a property (see Exhibits 9, 10 for an example of this as it pertains to the Lulfs Grove amendment). In this case, the City is considering additional comprehensive plan text policies to better define the mix of uses. The City is encouraged to adopt one or more Mixed Use FLUM designations, where the parameters for the intensity and density of the various uses would be set forth.

3. Council has been copied with a letter from a representative of the PGA Village Association, Inc. (see Attachment C). The PGA Village development (formerly known as the Reserve DRI) is located within unincorporated St. Lucie County, across Glades Cut-Off Road from the Lulfs Grove property. The letter expresses a number of concerns regarding the amendment and mix of development that is proposed for the Lulfs Grove property and questions the consistency of the proposed amendment with state statutes and administrative code. The City should meet with the adjoining property owner and attempt to resolve concerns regarding compatibility and buffering.

Text Amendments

1. Proposed Policy 1.1.4.17 sets forth the mix of land uses for the Lulfs Grove Business Park (see Attachment A). However, the policy fails to define the extent of each allowable use. Included under section (b.) of the policy is a “proposed” distribution of uses and intensities. The policy should instead define the maximum (and minimum if considered appropriate by the City) amount of development that would be permitted and/or the minimum and maximum percentage for each use.
P08-179 ORANGE LAKE CROSSING

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
CITY OF PORT ST. LUCIE
PROPOSED COMPREHENSIVE PLAN AMENDMENT 09-1

I. Consistency with Chapter 163, F.S., and Rule 9J-5, F.A.C.

The City of Port St. Lucie 09-1 proposed comprehensive plan amendment consist of four Future Land Use Map Amendments and two text amendments to the Future Land Use Element of the City's Comprehensive Plan. The Department has identified the following objections and comments to the proposed comprehensive plan amendment:

II. Objections

A. Future Land Use Map Amendments – P08-179 – Orange Lake Crossing

Objection 1:

1.A. The proposed amendment, P08-179 - Orange Lake Crossings, proposes to change the Future Land Use Designations from Agriculture (66.06 acres) and Low Density Residential (111.05) to Low Density Residential (66.06 acres), Medium Density Residential (63.54 acres), Commercial General (17.70 acres), Open Space Recreational (8.13 acres), Utility (9.29 acres), and Residential, Office and Institutional (12.39 acres). The amendment is not appropriately supported by data and analysis demonstrating that the maximum residential and commercial development potential allowed by this amendment is needed to accommodate the City's projected population within the planning time frame of the City's Comprehensive Plan, particularly considering the amount of potential residential development that has been added to the Future Land Use Map in recent years. The Analyses of Need, included with the proposed amendment, analyzes the need for retail/commercial development but not residential. The proposed amendment would add an additional 461 dwelling units and 437,514 square feet of commercial, retail, and utility development. The retail needs analysis does not provide information as to the source of the population projections, the methodology used to derive the population projections, or the future year of the projected population used in the analysis.

Response: The subject properties have set a maximum development potential which is less than what is allowed by the Future Land Use Designation. In addition the subject properties have also set limitations as to the amount of development that can occur by 2013. It is the intent of the applicants to adopt sub area polices to be included in the City of Port St. Comprehensive Plan. Please find the text for these sub area polices located as Attachment A. The "Proposed Maximums" and "Five Year Maximums" will be used throughout the remainder of this document.

In response to the objection regarding the demonstrating of need, the applicant has provided additional data and analysis to demonstrate the need for these amendments. A copy of the revised materials demonstrating need is located in Attachment B.
1.B. Additionally, the amendments are not appropriately supported by data and analysis demonstrating that the proposed amendment discourages the proliferation of Urban Sprawl consistent with the requirements of Rule 91-5, F.A.C. The amendment exhibits the following indicators of urban sprawl:

a. Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development;

   Response: The subject properties are within the Utility Service Area of the City of Port St. Lucie. All properties have been annexed into the City of Port St. Lucie. In order for the City to adequately plan for this area a City land use designation must be assigned. All properties have significant development approved around them. Please refer to Exhibit E.1 for a map identifying the already approved developments that surround the three subject properties. The natural progression of development could hardly be considered leaping over undeveloped lands. Again, all property to the east of these projects has already been approved for development.

b. Is an example of premature or poorly planned conversion of rural land to other uses;

   Response: The proposed development is within the Utility service boundary. The property is consistent with the development strategies that are promoting redevelopment in the western sections of the county. It is the intent of the City of Port St. Lucie to Annex property within the boundaries of the Utility service area. Contiguous property to the City that is within the Utility Service area is intended to become more urban development.

c. Fails to adequately protect adjacent agricultural areas and activities;

   Response: Currently there are very little agricultural activities occurring in the area. Most of the area was previously farmed for citrus. Most of the citrus was destroyed due to disease. There are no large farm properties in the annexation area. Most of the properties are smaller residential properties with small agricultural areas.

d. Fails to maximize use of existing public facilities and services;

   Response: The City of Port St. Lucie recently constructed the Glades Wastewater Treatment plan in the heart of the Northwest Annexation area. They also have completed the James Anderson Water Treatment plan. Both of the facilities are in place and have capacity to serve the subject properties, as well as the entire Northwest Annexation Area. This is a growing area that the City is doing an excellent job of planning. There is a dense grid roadway system in this area that will provide for many transportation alternatives to the future residents of the subject property as well as the area. Again, this area, and the subject properties are within the Utility Service Area and they are intended to be developed with more urban land uses. To these properties with a low density agricultural use would actually be a poor use of the existing public facilities.

e. Fails to maximize use of future public facilities and services.
Response: Future residents of this development will use existing public facilities and services until future services are provided. As discussed above, the intent is to develop the area to maximize the use of the public facilities that are existing as well as proposed.

f. Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

Response: This development will not increase the cost of providing and maintaining facilities and services. The Northwest Annexation Area will function much like a small city. The area has one K – 8 school built and operation. There is another school site with the LTC Ranch property (Please see LTC Annexation Agreement Exhibit D.4). There are existing fire stations in close proximity. As previously discussed there is a wastewater treatment plant in the area a water treatment plant just outside the area. The subject properties are in close proximity to Tradition and St. Lucie West where there are additional education and employment opportuniites. The intent of the Lufjs Groves property is to be developed as a large scale research park. The proposed homes in the Northwestern Annexation Area will provide a place for the future workers of this park to live.

g. Fails to provide a clear separation between rural and urban uses; and

Response: The subject property is approximately one (1) mile east of the Utility service boundary and is adjacent to other urban uses, including a municipal wastewater plant and recently approved Planned Unit Developments. Often times the line between urban and rural is blurred. In this case the City of Port St. Lucie has clearly set the boundary, Rangeline Road and Midway Road. That is the clear separation between rural and urban uses.

h. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

Response: Most of the City of Port St. Lucie was development by the General Development Corporation. Most of the City contains 1/3 acre residential lots. Infill housing usually takes place in the scatter lot format. The western area of the City provide for the ability to create a functional mix of uses. These applications provide an opportunity for future residents of the City of have different choices when deciding what type of home to purchase. This is choice that the City has only recently been able to offer. The propose amendments will increase the opportunity for a mixture of housing types in the City of Port St. Lucie.

i. Results in the loss of significant amounts of functional open space.

Response: As a part of the open space requirement for RL land use designation, portions of functional open space will be included throughout the development. In addition, the proposed OSR land use will contain sports fields. The Graves Brothers application is proposing over 15 acres of open space land use. This land will be used by the future residents of the area. In addition the Orange Lake Crossing application is proposing over 8 acres of open space recreation. These areas do not even include the potential for private recreation facilities within these communities.
1.C. The proposed amendment is internally inconsistent with Future Land Use Element Objective 1.1.3 which require the City to issue permits for development only in areas where public facilities are available concurrent with the impact of development; Policy 1.1.3.2, which states that the City will permit only public facilities and utilities which maximize the efficiency of services provided, minimize their costs, and minimize their impacts on the natural environment; Objective 1.1.4 which states that future growth, development, and redevelopment shall be directed to appropriate areas; and Policy 1.1.7.2 which states that the City shall initiate and utilize planning and development controls to discourage the proliferation of urban sprawl.

a. Future Land Use Objectives 1.1.3;
Development orders and permits for development and redevelopment activities shall be issued only in those areas where public facilities necessary to meet level of service standards (which are adopted as part of the Traffic, Infrastructure, Recreation and Open Space, and Capital Improvements Elements of this Comprehensive Plan) are available concurrent with the impacts of development.

Future Land Use Policies 1.1.3.2;
Permit only those proposed public facilities and utilities through the Capital Improvements Element which maximize the efficiency of services provided, minimize their costs, minimize their impacts on the natural environment, and maximize consistency with the goals, objectives, and policies of this Comprehensive Plan.

Response: The adopted Future Land Use Map for the City of Port St. Lucie identifies Rangeline Road as the western boundary of the Utility service area and Midway Road as the northern boundary. It is the intent of the City based on this map to expand to this boundary. The City planned to provide urban services to the area where the subject properties are located by constructing the Glades Wastewater Treatment Plant (6.0 MGD Plant) and the James Anderson Water Treatment Plant (22,500,000 MGD plant). The City expected development to occur in this area, they built the water and wastewater plant, and they have adopted a transportation network. The City has already proposed the public facilities to plan for the growth in the area.

b. Future Land Use Objectives 1.1.4;
Future growth, development, and redevelopment shall be directed to appropriate areas as depicted on the Future Land Use Map. The land use map shall be consistent with: sound planning principles; minimal natural limitations; the goals, objectives, and policies contained within this Comprehensive Plan; and the desired community character, and to ensure availability of land for future demand and utility facilities.

Response: The proposed amendments are consistent with this policy. The adopted Future Land Use Map for the City of Port St. Lucie identifies Rangeline Road as the western boundary of the Utility service area and Midway Road as the northern boundary. The subject properties were annexed into the City and now it is the appropriate time to establish the Future Land Use designation for the properties so that the City can have a better idea of the future development of the area. Based on adopted roadway network, the previously approved developments in the area, and the availability of water and sewer the land use designations were proposed for these properties. Staff has reviewed the request and found in
consistent with their comprehensive plan. The City's Planning and Zoning Board reviewed the application and found the request consistent with the City's comprehensive plan. Lastly, the City Council reviewed the applications and recommended that they be forwarded to the Department of Community Affairs for review. It would appear that the local staff and decision makers feel these applications are consistent with sound planning principals, minimal natural limitations, and the goals, objectives and policies of the City of Port St. Lucie Comprehensive Plan. All of these applications propose a functional mix of uses that follows sound planning principals.

c. Future Land Use Policies 1.1.7.2;
Central water and sewer facilities and other municipal services, requiring capital investment shall be extended and provided in the service districts to facilitate compact development in accordance with the Capital Improvements Element.

Response: The subject properties are located with the Utility Service Area of the City of Port St. Lucie. They are located in close proximity to municipal water and sewer. They are located along an adopted transportation network. The densities and intensities will result in compact development that maximizes these public facilities.

Response: As previously stated all three applications are voluntarily limiting their maximum development as identified in Attachment A. Using the proposed maximums the applicant provided additional data and analysis demonstrating that there is water and wastewater capacity for the proposed amendments. Please see Attachment C for the detailed analysis. In addition, the applicant revised the materials for roadway capacity to match the voluntary limitations the applicants are placing on maximum development. The revised roadway capacity information is located in Attachment D.

Objection 2:

2.A. House Bill 697, which went into effect on July 1, 2008, requires amendments to the future land use plan to be based upon surveys, studies, and data regarding the discouragement of urban sprawl, energy-efficient land use patterns, accounting for existing and future electric power generation and transmission systems, and greenhouse gas reduction strategies. Though the proposed amendments do state that the future development will incorporate green building technologies in construction, the amendment as a whole does not discourage urban sprawl, nor does it ensure an energy-efficient land use pattern, and does not contain strategies to reduce greenhouse gas emissions.

Response: As previously stated, these three applications partner together very well. Graves Brothers and Orange Lake Crossing provide for the housing and retail uses and Lulfs Groves provides for the workplace. It is intended that in the future an individual that lives west of I-95 could live, work, and play without going east of I-95. By providing housing, retail uses, and workplaces within a close proximity to each other, you are reducing greenhouse gas emissions. In addition, the Orange Lake Crossing: Annexation/Development Agreement (Exhibit D.6) requires 50% of the homes built to meet the requirements of the Green Home Certification of the Florida Green Building Coalition, Inc. Orange Lake Crossing is also proposing a one (1) acre transit stop to allow future residents of the community, as well as the area, a place to catch mass transit. All of the applications are proposing a functional mix of uses that will require less vehicle miles travel to obtain goods and services.
Objection 3:

3.A. The City did not include data and analysis demonstrating that adequate potable water and roadway capacity will be available to serve new development at the maximum development potential that will result from proposed amendment, P08-132 - Orange Lake Crossings. Revise the amendment to include raw and treated water supply permit information, to reflect the maximum allowable development for each proposed future land use category, and consider other approved, but not yet built, development. Additionally, the amendment must be revised to identify any transportation improvements to meet future transportation demand. In the annexation between the St. Lucie County and the City, the developer agreed to improve a segment McCarty Road to a two-lane or four-lane facility depending on the need. The City has only included roadway projects for this area in the long term (six to 25 year) capital improvement program and not in the recently adopted Capital Improvements Plan.

*Response: As previously stated all three applications are voluntarily limiting their maximum development as identified in Attachment A. Using the proposed maximums the applicant provided additional data and analysis demonstrating that there is water and wastewater capacity for the proposed amendments. Please see Attachment C for the detailed analysis. In addition, the applicant revised the materials for roadway capacity to match the voluntary limitations the applicants are placing on maximum development. The revised roadway capacity information is located in Attachment D.*

3.B. The City has not demonstrated that its Future Land Use Map is coordinated with the availability of public facilities or that the proposed land use change is internally consistent with Future Land Use Objective 1.1.3 and Policy 1.1.3.2; Transportation Element Objective 2.1.2 and Policy 2.1.2.2; Infrastructure Element Objective 4.D.1.4 and Policy 4.D.1.4.1 and Capital Improvements Objective 9.1.2 and Policy 9.1.2.1. These objectives and policies require the City to ensure coordination between land uses and the provision of public facilities and to ensure new development and redevelopment are provided services that meet the City's level of service standard.

a. Transportation Element Objective 2.1.2;

Existing and future roadway deficiencies based on standards established in this plan shall be mitigated through a continuous roadway improvement plan.

Transportation Element Policy 2.1.2.2;

Review all proposed development for consistency with the goals, objectives, and policies of this plan and require coordination of traffic circulation plans and improvements with land use, right-of-way and infrastructure plans, before development approval. Traffic circulation plans shall address the mitigation of all potential project impacts on the roadway design system.

*Response: The projects have agreed to voluntarily limit the maximum development of the properties. In addition they have agreed to limit the amount of development that can occur in the first five years. Please see Attachment A for these limitations. All properties have signed Annexation Agreements that identify what improvements each property is responsible for. The City has done an excellent job of ensuring that the proposed development is consistent with the goals, objectives, and policies of the comprehensive plan.*
They have identified right-of-way dedications and infrastructure requirements. Each project is responsible for different improvements based on the proposed impacts to the transportation network.

b. Infrastructure Element Objective 4.D.1.4;
   The City shall continue to implement procedures in cooperation with its potable water system providers to insure that development permits are issued only when adequate facility capacity is available to serve the development.

   Infrastructure Element Policy 4.D.1.4.1;
   The level of service standard adopted for potable water facilities is as follows:
   1. Single and Multi-Family/All Planning Areas, 100 gallons/capita/day
   2. Commercial, 125 gallons per day per 1000 square feet
   3. Hotel/Motel, 112.5 gallons per day per room
   4. Industrial, 150 gallons per day per 1000 square feet
   5. Office School Industrial, 120 gallons per day per 1000 square feet
   (Williams, Stoner, Hatfield Water and Sewer Master Plan 1995)

Response: The demand and capacity for water and wastewater has been revised. A copy of the revised analysis is located Attachment C.

c. Capital Improvements Objective 9.1.2;
   The City shall review development applications in order to implement concurrency management system requirements to ensure development orders issued will not result in a reduction of required public facilities based on adopted levels of service, and to ensure that development bears 100% of costs for public facilities necessary to service such development.

   Capital Improvements Policy 9.1.2.1;
   The availability of public facilities shall be determined and measured using the following LOS standards for the required public facility classifications.

Response: The demand and capacity for water and wastewater has been revised. A copy of the revised analysis is located Attachment C.

IV. Consistency with Chapter 187, F.S.

The proposed amendment is inconsistent with the following provisions of Chapter 187, F.S., the State Comprehensive Plan:

- Section 187.201(4) Housing, Policy (b) 3: Ensure the provision of affordable housing.
- Section 187.201(7), Water Resources, Policy (b) 5: Ensure the availability of water for new development.
- Section 187.201(9) Natural Systems and Recreational Lands, Policies 1, 2, 3, 4, 7, and 10: To ensure the protection of environmentally sensitive lands, endangered and threatened species and their habitats.
- Section 187.201(15) Land Use Policies, 1, 2, 3, and 6: Ensure development occurs where there are public facilities to support the development; encourage an attractive and functional mix of uses for
living, working, shopping, and recreation; ensure compatibility with water supplies and other natural resources.

- Section 187.201(16) Urban and Downtown Revitalization, Policies 6, 8, 9, and 10: Regarding the integration of land use, water use, and transportation planning, including schools and multimodal systems.
- Section 187.201(17) Public Facilities, Policies 2, 3, 4, 5, 6, 7, and 9: To ensure the availability of public facilities.
- Section 187.201(19) Transportation, Policies 2, 3, 7, 9, 11, 13, 14, and a5: To ensure a transportation system that provides efficient access to services, jobs, and attractions.
- Section 187.201(25), Plan Implementation, Policies (b) 1, 3 and 5: Ensure that local plans implement and accurately reflect State goals and policies.

By addressing the concerns noted in Section I., these inconsistencies with Chapter 187, Florida Statutes, can be addressed.

Response: Previous responses to comments in the OCR address how the proposed amendments are now consistent with Chapter 187, F.S.
RESPONSE TO FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENT REPORT

DCA No. 09-02 – CITY OF PORT ST. LUCIE PROPOSED COMPREHENSIVE PLAN
AMENDMENT, P08-016, FLORIDIAN GOLF CLUB

Applicant responses are shown in bold and italics to distinguish them from staff comments.

Objection 1: The City did not include data and analysis demonstrating that adequate potable water, sanitary sewer and roadway capacity will be available to serve new development at the maximum development potential that will result from proposed amendment, P08-016 – Floridian Golf Club.

The City has not demonstrated that its Future Land Use Map is coordinated with the availability of public facilities or that the proposed land use change is internally consistent with Future Land Use Objective 1.1.3 and Policy 1.1.3.2; Transportation Element Objective 2.1.2 and Policy 2.1.2.2; Infrastructure Element Objective 4.D.1.4.1 and Capital Improvements Objective 9.1.2 and Policy 9.1.2.1. These objectives and policies require the City to ensure coordination between land uses and the provision of public facilities and to ensure new development and redevelopment are provided services that meet the City’s level of service standard.

Recommendation: Revise the data and analysis to demonstrate that adequate potable water, sanitary sewer and roadway capacity are available to serve the maximum development potential of the site or include a site specific policy in the Future Land Use Element to limit development on the site to the level of development that can be supported by Public Facilities.

If data and analysis determines that capital improvements will be needed in the next five years to address the potable water, sanitary sewer, and roadway impacts created through this amendment, then those capital improvements must be included in a financially feasible five year schedule of capital improvements. To be financially feasible, projects in the first three years of the schedule of capital improvements must be funded by committed revenue sources. Projects identified in years four and five can be funded by committed or planned revenue sources.

Applicant’s response:

The following information serves as data and analysis that demonstrates that adequate potable water, sanitary sewer and road capacity are available to serve the maximum development potential allowed for the site.
The subject property ("Floridian Site") is subject to various terms and conditions as stipulated in adopted Development Agreement, as amended. In order to limit the development density and to mitigate and comply with city public facility levels of service. The purpose of the land use amendment is to assign an appropriate city land use category to the property. It was previously annexed into the city and retained the county land use designation. The proposed land use does not increase the density or intensity of uses as further explained below. Please note the following:

1. In accordance with Comprehensive Plan Policy 1.1.4.11 (See Attached Exhibit 1) the residential development density will be governed by the condition in the adopting ordinance which limits the density on the Floridian Site by requiring it to be combined with the adjacent property and the adjacent property’s maximum residential density applied to both parcels to calculate the total density which may be spread over both properties. This results in a net reduction in density for the combined properties.

2. A note stating “Residential density governed by Ordinance 08-52” has been added to the land use map for final adoption. (See Exhibit 2, Proposed Future Land Use Map)

3. It is proposed that a new condition be added to the adopting ordinance, Section 1 as condition #3 to read: “The property’s 203 acres shall be combined with the adjacent land that is the subject of the Veranda PUD approved by Ordinance 07-07 for calculation for residential density, and the combined 1064.4 acres shall be limited to a total of 3,131 units”. The 3,131 units are the maximum number of residential units approved for the Veranda PUD. (See Exhibit 3, Amended Ordinance 08-52 with new condition #3)

4. Although the above three responses fully address the ORC objection by limiting the density on the subject Floridian Site, please note the following additional obligations to mitigate impacts:

A Development Agreement was approved which established financial commitments by the property owners for the original project to mitigate the impacts on public facility needs to service the development including:
   a) $4,000,000. towards the Becker Road bridge expansion.
   b) $1,500,000. additional transportation mitigation improvements.
   c) Commitment to fund the expansion of a portion of Becker Road.
   d) $800,000. towards potable water and wastewater lines improvements to service the property.
(See Attached Exhibit 4, Sections 4(B) Transportation Facilities on pages 5 and 6 and 4(C) Utilities on pages 6 and 7).

5. The First Amendment to the Development Agreement increased the transportation impact financial contributions by adding an additional $2,420,000. for a total of $7,920,000. cash contribution toward transportation impact mitigation. (See Attached Exhibit 5, Section 2.A (B) (iv) on pages 4 and 5)

6. The Second Amendment to Development Agreement added the Floridian Site (the subject of this land use amendment) and also made it subject to the provisions of the Development Agreement. (See Attached Exhibit 6, sections 3 & 4 on page 4 and exhibit A of the agreement describing said property).

7. The Second Amendment to Development Agreement limits development densities of the Floridian Site and stipulates that it can be merged into the previously approved and adjacent Veranda PUD provided that it does not increase the development density above that which was already approved by the Veranda PUD. (See Attached Exhibit 6, Section 4E, pages 3 and 4)

An application to amend the Veranda PUD is currently under review and is scheduled for approval subsequent to the land use amendment. This application incorporates the subject Floridian Site into the Veranda PUD and implements the terms and conditions of the Development Agreement as amended. The proposed PUD Amendment is consistent with the Development Agreement and confirms the density limitation for the combined Floridian Site and existing Veranda PUD property, so that there is no net increase in density beyond that already approved for the Veranda PUD. It also recognizes the Development Agreement, as amended, as a mechanism to fund public improvements needed to mitigate the impacts. (See Attached Exhibit 7)
P06-262 GRAVES BROTHERS

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
CITY OF PORT ST. LUCIE
PROPOSED COMPREHENSIVE PLAN AMENDMENT 09-2

Section I. Consistency with Chapter 163, F.S., and Rule 9J-5, F.A.C.

The City of Port St. Lucie 09-2 proposed comprehensive plan amendment consist of four Future Land Use Map Amendments and two text amendments to the Future Land Use Element of the City’s Comprehensive Plan. The Department has identified the following objections and comments to the proposed comprehensive plan amendment:

Section II. Objections

A. Future Land Use Map Amendments – P06-262 – Graves Brothers and P08-019 – Lulifs Groves

Objection 2:

1. The proposed amendments, P06-262 – Graves Brothers and P08-019 – Lulifs Groves, are not appropriately supported by data and analysis demonstrating that the maximum residential and non-residential development potential allowed by these amendments is needed to accommodate the City’s projected population within the planning time frame of the City’s Comprehensive Plan, particularly considering the amount of potential residential development that has been added to the Future Land Use Map in recent years.

Response: The subject properties have set a maximum development potential which is less than what is allowed by the Future Land Use Designation. In addition the subject properties have also set limitations as to the amount of development that can occur by 2033. It is the intent of the applicants to adapt sub area policies to be included in the City of Port St. Comprehensive Plan. Please find the text for these sub area policies located as Attachment A. The “Proposed Maximums” and “Five Year Maximums” will be used throughout the remainder of this document.

In response to the objection regarding the demonstrating of need, the applicant has provided additional data and analysis to demonstrate the need for these amendments. A copy of the revised materials demonstrating need is located in Attachment B.

2. The City did not include data and analysis demonstrating that adequate potable water, sanitary sewer, and roadway capacity will be available to serve new development at the maximum development potential that will result from proposed amendments, P06-262-Graves Brothers, and P08-019-Lulifs Groves.

Response: As previously stated all three applications are voluntarily limiting their maximum development as identified in Attachment A. Using the proposed maximums the applicant provided additional data and analysis demonstrating that there is water and wastewater capacity for the proposed amendments. Please see Attachment C for the detailed analysis. In addition, the applicant revised the materials for roadway capacity to match the voluntary limitations the
applicants are placing on maximum development. The revised roadway capacity information is located in Attachment D.

3. Additionally, House Bill 697, which went into effect on July 1, 2008, requires amendments to the future land use plan to be based upon surveys, studies, and data regarding the discouragement of urban sprawl, energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems, and greenhouse gas reduction strategies. The proposed amendments are not appropriately supported by data and analysis demonstrating that they ensure an energy-efficient land use pattern, contain strategies to reduce greenhouse gas emissions, or discourage the proliferation of Urban Sprawl consistent with the requirements of Rule 9J-5, F.A.C. The amendment exhibits the following indicators of urban sprawl:

Response: As previously stated, these three applications partner together very well. Graves Brothers and Orange Lake Crossing provide for the housing and retail uses and lulfs Groves provides for the workplace. It is intended that in the future an individual that lives west of I-95 could live, work, and play without going east of I-95. By providing housing, retail uses, and workplaces within a close proximity to each other, you are reducing greenhouse gas emissions. In addition, the Orange Lake Crossing Annexation/Development Agreement (Exhibit D.6) requires 50% of the homes built to meet the requirements of the Green Home Certification of the Florida Building Coalition, Inc. Orange Lake Crossing is also proposing a one (1) acre transit stop to allow future residents of the community, as well as the area, a place to catch mass transit. All of the applications are proposing a functional mix of uses that will require less vehicle mile travel to obtain good and services.

a. Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development;

Response: The subject properties are within the Urban Service Area of the City of Port St. Lucie. All properties have been annexed into the City of Port St. Lucie. In order for the City to adequately plan for this area a City land use designation must be assigned. All properties have significant development approved around them. Please refer to Exhibit E.1 for a map identifying the already approved developments that surround the three subject properties. The natural progression of development could hardly be considered leaping over undeveloped lands. Again, all property to the east of these projects has already been approved for development.

b. Is an example of premature or poorly planned conversion of rural land to other uses;

Response: The proposed development is within the urban service boundary. The property is consistent with the development strategies that are promoting redevelopment in the western sections of the county. It is the intent of the City of Port St. Lucie to annex property within the boundaries of the urban service area. Contiguous property to the City that is within the Urban Service area is intended to become more urban development.

c. Fails to adequately protect adjacent agricultural areas and activities;
Response: Currently there are very little agricultural activities occurring in the area. Most of the area was previously farmed for citrus. Most of the citrus was destroyed due to disease. There are no large farm properties in the annexation area. Most of the properties are smaller residential properties with small agricultural areas.

d. Fails to maximize use of existing public facilities and services;

Response: The City of Port St. Lucie recently constructed the Glades Wastewater Treatment plan in the heart of the Northwest Annexation area. They also have completed the James Anderson Water Treatment plan. Both of the facilities are in place and have capacity to serve the subject properties, as well as the entire Northwest Annexation Area. This is a growing area that the City is doing an excellent job of planning. There is a dense grid roadway system in this area that will provide for many transportation alternatives to the future residents of the subject property as well as the area. Again, this area, and the subject properties are within the Urban Service Area and they are intended to be developed with more urban land uses. To these properties with a low density agricultural use would actually be a poor use of the existing public facilities.

e. Fails to maximize use of future public facilities and services.

Response: Future residents of this development will use existing public facilities and services until future services are provided. As discussed above, the intent is to develop the area to maximize the use of the public facilities that are existing as well as proposed.

f. Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

Response: This development will not increase the cost of providing and maintaining facilities and services. The Northwest Annexation Area will function much like a small city. The area has one K – 8 school built and operation. There is another school site with the LTC Ranch property (Please see LTC Annexation Agreement Exhibit D.4). There are existing fire stations in close proximity. As previously discussed there is a wastewater treatment plant in the area a water treatment plant just outside the area. The subject properties are in close proximately to Tradition and St. Lucie West where there are additional education and employment opportunists. The intent of the Lulfs Groves property is to be developed as a large scale research park. The proposed homes in the Northwestern Annexation Area will provide a place for the future workers of this park to live.

g. Fails to provide a clear separation between rural and urban uses; and

Response: The subject property is approximately one (1) mile east of the urban service boundary and is adjacent to other urban uses, including a municipal wastewater plant and recently approved Planned Unit Developments. Often times the line between urban and rural is blurred. In this case the City of Port St. Lucie has clearly set the boundary, Rangeline Road and Midway Road. That is the clear separation between rural and urban uses.
h. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

Response: Most of the City of Port St. Lucie was development by the General Development Corporation. Most of the City contains 1/3 acre residential lots. Infill housing usually takes place in the scatter lot format. The western area of the City provide for the ability to create a functional mix of uses. These applications provide an opportunity for future residents of the City to have different choices when deciding what type of home to purchase. This is choice that the City has only recently been able to offer. The propose amendments will increase the opportunity for a mixture of housing types in the City of Port St. Lucie.

i. Results in the loss of significant amounts of functional open space.

Response: As a part of the open space requirement for RL land use designation, portions of functional open space will be included throughout the development. In addition, the proposed OSR land use will contain sports fields. The Graves Brothers application is proposing over 15 acres of open space land use. This land will be used by the future residents of the area. In addition the Orange Lake Crossing application is proposing over 8 acres of open space recreation. These areas do not even include the potential for private recreation facilities within these communities.

4. The City has not demonstrated that its Future Land Use Map is coordinated with the availability of public facilities or that the proposed land use change is internally consistent with Future Land Use Objectives 1.1.3 and 1.1.4 and Policies 1.1.3.2 and 1.1.7.2; Transportation Element Objective 2.1.2 and Policy 2.1.2.2; Infrastructure Element Objective 4.D.1.4 and Policy 4.D.1.4.1 and Capital Improvements Objective 9.1.2 and Policy 9.1.2.1. These objectives and policies require the City to ensure coordination between land uses and the provision of public facilities, to permit only public facilities and utilities which maximize the efficiency of services provided, minimize their costs, and minimize their impacts on the natural environment; direct future growth, development, and redevelopment to appropriate areas; initiate and utilize planning and development controls to discourage the proliferation of urban sprawl; ensure new development and redevelopment are provided services that meet the City's level of service standard,

a. Future Land Use Objectives 1.1.3:
Development orders and permits for development and redevelopment activities shall be issued only in those areas where public facilities necessary to meet level of service standards (which are adopted as part of the Traffic, Infrastructure, Recreation and Open Space, and Caupal Improvements Elements of this Comprehensive Plan) are available concurrent with the impacts of development.

Future Land Use Policies 1.1.3.2:
Permit only those proposed public facilities and utilities through the Capital Improvements Element which maximize the efficiency of services provided, minimize their costs, minimize their impacts on the natural environment, and maximize consistency with the goals, objectives, and policies of this Comprehensive Plan.

Response: The adopted Future Land Use Map for the City of Port St. Lucie identifies Rangeline Road as the western boundary of the urban service area and Midway Road as the northern boundary. It is the intent of the City based on this map to expand to this
boundary. The City planned to provide urban services to the area where the subject properties are located by constructing the Glades Wastewater Treatment Plan (6.0 MGD Plant) and the James Anderson Water Treatment Plant (22,500,000 MGD plant). The City expected development to occur in this area, they built the water and wastewater plant, and they have adopted a transportation network. The City has already proposed the public facilities to plan for the growth in the area.

b. Future Land Use Objectives 1.1.4;
Future growth, development, and redevelopment shall be directed to appropriate areas as depicted on the Future Land Use Map. The land use map shall be consistent with: sound planning principles; minimal natural limitations; the goals, objectives, and policies contained within this Comprehensive Plan; and the desired community character, and to ensure availability of land for future demand and utility facilities.

Response: The proposed amendments are consistent with this policy. The adopted Future Land Use Map for the City of Port St. Lucie identifies Rangeline Road as the western boundary of the urban service area and Midway Road as the northern boundary. The subject properties were annexed into the City and now it is the appropriate time to establish the Future Land Use designation for the properties so that the City can have a better idea of the future development of the area. Based on adopted roadway network, the previously approved developments in the area, and the availability of water and sewer the land use designations were proposed for these properties. Staff has reviewed the request and found in consistent with their comprehensive plan. The City’s Planning and Zoning Board reviewed the application and found the request consistent with the City’s comprehensive plan. Lastly, the City Council reviewed the applications and recommended that they be forwarded to the Department of Community Affairs for review. It would appear that the local staff and decision makers feel these applications are consistent with sound planning principals, minimal natural limitations, and the goals, objectives and policies of the City of Port St. Lucie Comprehensive Plan. All of these applications propose a functional mix of uses that follows sound planning principals.

c. Future Land Use Policies 1.1.7.2;
Central water and sewer facilities and other municipal services, requiring capital investment shall be extended and provided in the service districts to facilitate compact development in accordance with the Capital Improvements Element.

Response: The subject properties are located with the Urban Service Area of the City of Port St. Lucie. They are located in close proximately to municipal water and sewer. They are located along an adopted transportation network. The densities and intensities will result in compact development that maximizes these public facilities.

d. Transportation Element Objective 2.1.2;
Existing and future roadway deficiencies based on standards established in this plan shall be mitigated through a continuous roadway improvement plan.

Transportation Element Policy 2.1.2.2;
Review all proposed development for consistency with the goals, objectives, and policies of this plan and require coordination of traffic circulation plans and improvements with land use, right-of-way and infrastructure plans, before development approval. Traffic circulation
plans shall address the mitigation of all potential project impacts on the roadway design system.

Response: The projects have agreed to voluntarily limit the maximum development of the properties. In addition they have agreed to limit the amount of development that can occur in the first five years. Please see Attachment A for these limitations. All properties have signed Annexation Agreements that identify what improvements each property is responsible for. The City has done an excellent job of ensuring that the proposed development is consistent with the goals, objectives, and policies of the comprehensive plan. They have identified right-of-way dedications and infrastructure requirements. Each project is responsible for different improvements based on the proposed impacts to the transportation network.

e. Infrastructure Element Objective 4.D.1.4:
The City shall continue to implement procedures in cooperation with its potable water system providers to insure that development permits are issued only when adequate facility capacity is available to serve the development.

Infrastructure Element Policy 4.D.1.4.1:
The level of service standard adopted for potable water facilities is as follows:
1. - Single and Multi-Family/All Planning Areas, 100 gallons/capita/day
2. - Commercial, 125 gallons per day per 1000 square feet
3. - Hotel/Motel, 112.5 gallons per day per room
4. - Industrial, 150 gallons per day per 1000 square feet
5. - Office School Industrial, 120 gallons per day per 1000 square feet
   (Williams, Stoner, Hatfield Water and Sewer Master Plan 1995)

Response: The demand and capacity for water and wastewater has been revised. A copy of the revised analysis is located Attachment C.

f. Capital Improvements Objective 9.1.2:
The City shall review development applications in order to implement concurrency management system requirements to ensure development orders issued will not result in a reduction of required public facilities based on adopted levels of service, and to ensure that development bears 100% of costs for public facilities necessary to service such development.

Capital Improvements Policy 9.1.2.1:
The availability of public facilities shall be determined and measured using the following LOS standards for the required public facility classifications.

Response: The demand and capacity for water and wastewater has been revised. A copy of the revised analysis is located Attachment C.

Recommendation:

1. Revise the amendment to include an analysis, based on professionally accepted methodology and assumptions, demonstrating that the proposed land use changes are needed in order to accommodate the City’s projected population growth, will result in energy-efficient land use patterns, reduce greenhouse gas emissions and discourage the proliferation of urban sprawl consistent with the
requirements of Rule 9J-5, F.A.C., and the City of Port St. Lucie Comprehensive Plan. The analysis must take into account vacant, developable land already included in the Future Land Use Map for residential, commercial, retail, office and industrial development. Additionally, the projected population used in the analysis of need must be consistent with the planning time frame of the City’s Comprehensive Plan.

Response: The applicants have provided revised data and analysis that demonstrates for the proposed amendments in order to meet the City’s projected growth.

2. If the City can support the need for the proposed land use change, then revise the data and analysis to demonstrate that adequate potable water, sanitary sewer, and roadway capacity are available to serve the maximum development potential or include a site specific policy in the Future Land Use Element to limit development on the site to the level of development that can be supported by Public Facilities. If data and analysis determines that capital improvements will be needed in the next five years to address the potable water and roadway impacts created through this amendment, then those capital improvements must be included in a financially feasible five year schedule of capital improvements. To be financially feasible, projects in the first three years of the schedule of capital improvements must be funded by committed revenue sources. Projects identified in years four and five can be funded by committed or planned revenue sources.

Response: The amount of development proposed has been voluntarily limited by the applicants. In addition, the amount of development to occur in the first five (5) years has been limited. Please refer to Attachment A for the proposed limitations.

3. Revise the Comprehensive Plan to include objectives and policies that provide meaningful and predictable standards and a measurable outcome that will result in compact, mixed use communities that contain a variety of housing types and prices, a variety of employment and shopping opportunities, and require a multi-modal transportation system that will result in reduced greenhouse gas emissions.

a. Revise the Future Land Use Element to include objectives and specific policies with strategies to guide energy efficient land use patterns accounting for existing and future electric power generation and transmission systems and that reduce greenhouse gas emissions.

Response: The applicant understands the City will address this recommendation.

b. Revise the Transportation Element to include objectives and policies with strategies that address the reduction of greenhouse gas emissions from the transportation sector.

Response: The applicant understands the City will address this recommendation.

c. Revise the Housing Element to include objectives and policies with strategies that promote energy efficiency and the use of renewable energy resources in the construction of new homes as well as during redevelopment activities.

Response: The applicant understands the City will address this recommendation.

d. Revise the Conservation Element to include objectives and policies with strategies to address energy conservation.
Response: The applicant understands the City will address this recommendation.

4. The City has annexed substantial lands in recent years that do not appear to be based on a master plan for the Western Annexation Area. The City should prepare a master plan for the Western Annexation Area. The City has initiated planning for the Northwest Annexation Area through the adoption of the Proposed Roadway Grid Network Map, the development of a proposed master stormwater management plan, and the identification of some school and park sites. However, the City has not adopted a master plan for the area to serve as an overall guide for future development. As a result, the City must consider each application for annexation and Future Land Use Map designation approval independently without the benefit of a conceptual plan for the entire area. Furthermore, a master plan which includes appropriate development controls listed at 9J-5.006(5)(f), F.A.C., will assist in the discouragement of urban sprawl.

The master plan should define the boundaries for the Western Annexation Area (coterminous with the City’s Utility Service Area) and a phased plan for annexations based on the need for additional land uses and the ability of the City to provide public facilities. The implementation of a master plan would provide the opportunity for the City to assess whether a proposed amendment includes the appropriate range and mix of uses that would allow the area to become a sustainable and integral part of the City. The master plan should guide development in the form of neighborhoods and districts that contain a balanced, well-planned compatible and functional mix of land uses. The master plan should include a well planned network for public infrastructure, including roads, bicycle, pedestrian, and public transit facilities; public facilities and infrastructure including civic sites, stormwater management, schools, parks, and adequate recreational and entertainment facilities; employment opportunities; and a variety of housing including various types, sizes, and affordability.

The Comprehensive Plan should be revised to include objectives and policies to implement the master plan as development in the Western Annexation Area proceeds. The objectives and policies should provide meaningful and predictable standards and a measurable outcome. The objectives and policies should not undermine urban infill strategies or promote urban sprawl.

Response: The applicant understands the City will address this recommendation.

Section III. Consistency with Chapter 187, F.S.

The proposed amendment is inconsistent with the following provisions of Chapter 187, F.S., the State Comprehensive Plan:

- Section 187.201(4) Housing, Policy (b) 3: Ensure the provision of affordable housing.
- Section 187.201(7), Water Resources, Policy (b) 5: Ensure the availability of water for new development.
- Section 187.201(9) Natural Systems and Recreational Lands, Policies 1, 2, 3, 4, 7, and 10: To ensure the protection of environmentally sensitive lands, endangered and threatened species and their habitats.
- Section 187.201(15) Land Use Policies, 1, 2, 3, and 6: Ensure development occurs where there are public facilities to support the development; encourage an attractive and functional mix of uses for living, working, shopping, and recreation; ensure compatibility with water supplies and other natural resources.
Section 187.201(16) Urban and Downtown Revitalization, Policies 6, 8, 9, and 10: Regarding the integration of land use, water use, and transportation planning, including schools and multimodal systems.

Section 187.201(17) Public Facilities, Policies 2, 3, 4, 5, 6, 7, and 9: To ensure the availability of public facilities.

Section 187.201(19) Transportation, Policies 2, 3, 7, 9, 11, 13, 14, and 15: To ensure a transportation system that provides efficient access to services, jobs, and attractions.

Section 187.201(25), Plan Implementation, Policies (b) 1, 3 and 5: Ensure that local plans implement and accurately reflect State goals and policies.

By addressing the concerns noted in Section I., these inconsistencies with Chapter 187, Florida Statutes, can be addressed.

**Response:** Previous responses to comments in the OCR address how the proposed amendments are now consistent with Chapter 187, F.S.
**Response:** Any development of this site will not result in a loss of a significant amount of functional open space. According to the Environmental Assessment, there are no significant natural habitats located on this site, nor are there any existing wetlands requiring preservation.

4. The City has not demonstrated that its Future Land Use Map is coordinated with the availability of public facilities or that the proposed land use change is internally consistent with Future Land Use Objectives 1.1.3 and 1.1.4 and Policies 1.1.3.2 and 1.1.7.2; Transportation Element Objective 2.1.2 and Policy 2.1.2.2; Infrastructure Element Objective 4.D.1.4 and Policy 4.D.1.4.1 and Capital Improvements Objective 9.1.2 and Policy 9.1.2.1. These objectives and policies require the City to ensure coordination between land uses and the provision of public facilities, to permit only public facilities and utilities which maximize the efficiency of services provided, minimize their costs, and minimize their impacts on the natural environment; direct future growth, development, and redevelopment to appropriate areas; initiate and utilize planning and development controls to discourage the proliferation of urban sprawl; ensure new development and redevelopment are provided services that meet the City's level of service standard,

a. **Future Land Use Objectives 1.1.3:**

Development orders and permits for development and redevelopment activities shall be issued only in those areas where public facilities necessary to meet level of service standards (which are adopted as part of the Traffic, Infrastructure, Recreation and Open Space, and Capital Improvements Elements of this Comprehensive Plan) are available concurrent with the impacts of development.

**Future Land Use Policies 1.1.3.2:**

Permit only those proposed public facilities and utilities through the Capital Improvements Element which maximize the efficiency of services provided, minimize their costs, minimize their impacts on the natural environment, and maximize consistency with the goals, objectives, and policies of this Comprehensive Plan.

**Response:** Any identified impact to a public facility (i.e., roadway, water, wastewater, recreation/open space, etc.) shall be accommodated to ensure that the level of service standards established within the Comprehensive Plan will be provided concurrent with development.

b. **Future Land Use Objectives 1.1.4:**

Future growth, development, and redevelopment shall be directed to appropriate areas as depicted on the Future Land Use Map. The land use map shall be consistent with sound planning principles; minimal natural limitations; the goals, objectives, and policies contained within this Comprehensive Plan; and the desired community character, and to ensure availability of land for future demand and utility facilities.

**Response:** The subject site is located within an area undergoing transition from agricultural and citrus production uses to more intensive urban uses. The site is in an appropriate location to accommodate economic development, job growth, and to support the emergent biotech and life-sciences industries occurring along the I-95 corridor.

The existing Glades Wastewater Treatment Plant is compatible and adjacent to the proposed Heavy Industrial (HI) land use located along the northwestern area of the subject property. The proposed General Commercial (GC) land use is located along Glades Cut-Off Road where the highest number of vehicular trips exist and adjacent to the commercial area in Copper Creek. It is envisioned that mostly office, institutional, and/or residential uses will be located along McCarty Road to create a corridor linkage between Copper Creek and Centex/LTC Ranch with lower intensity uses.
The proposed mix of commercial, industrial, office, and institutional uses will allow for the development of much needed services in this area of the city. Development of the site will complete the extension of McCarty Road, establishing a vital link in the roadway network proposed for the Northwest Annexation Area. There are no existing natural water or wetland features on the site.

c. Future Land Use Policies 1.1.7.2:
Central water and sewer facilities and other municipal services, requiring capital investment shall be extended and provided in the service districts to facilitate compact development in accordance with the Capital Improvements Element.

Response: The Lufts Groves Business Park will be serviced by the City of Port St. Lucie for water and wastewater services to the site. The installation of utility infrastructure will be cost effective as the primary lines are already in place. Development will loop the infrastructure and connect to the existing facilities.

d. Transportation Element Objective 2.1.2:
Existing and future roadway deficiencies based on standards established in this plan shall be mitigated through a continuous roadway improvement plan.

Transportation Element Policy 2.1.2.2:
Review all proposed development for consistency with the goals, objectives, and policies of this plan and require coordination of traffic circulation plans and improvements with land use, right-of-way and infrastructure plans, before development approval. Traffic circulation plans shall address the mitigation of all potential project impacts on the roadway design system.

Response: Development of the site will assist the City in completing a portion of its roadway network substantially consistent with the roadway network proposed by the City for the Northwest Annexation Area. Proposed transportation improvements for the development include a 120-foot wide east-west road ROW (East-West #6 / #7) and a 120-foot wide north-south road ROW (McCarty Road) to be dedicated to the City that will provide the necessary linkages to form an Inter-conneced transportation network in the Northwest Annexation Area. As the area develops, the proposed road ROW segment for McCarty Road, which occurs on this site, will complete the McCarty Road corridor to Midway Road and provides an alternative to the future north-south arterial, LTC Parkway (Arterial A).

The property is located in the northern portion of the City’s Western Annexation Area. The City is in the process of adopting a right-of-way protection plan for a grid roadway network in the Northwest Area. The roadways needed to service this property are depicted on the Northwest Annexation Area Right-of-Way Network Map (NWAA ROW Map) and are included in the City’s 6 to 25 year CIE Plan.

The project has been coordinated with the thoroughfare network in the 5 year and long range analysis. All future site design and development plans will be consistent with the roadway network proposed by the City for the Northwest Annexation Area.

e. Infrastructure Element Objective 4.D.1.4:
The City shall continue to implement procedures in cooperation with its potable water system providers to insure that development permits are issued only when adequate facility capacity is available to serve the development.

Infrastructure Element Policy 4.D.1.4.1:
The level of service standard adopted for potable water facilities is as follows:
1. Single and Multi-Family/All Planning Areas, 100 gallons/capita/day
2. Commercial, 125 gallons per day per 1000 square feet
3. Hotel/Motel, 112.5 gallons per day per room
4. Industrial, 150 gallons per day per 1000 square feet
5. Office School Industrial, 120 gallons per day per 1000 square feet
   (Williams, Stoner, Hatfield Water and Sewer Master Plan 1995)

**Response:** The level of service standard will be met for potable water facilities. Utility water service will be available and the property is located within the Utility Service Area. We have obtained a letter of availability from the City of Port St. Lucie Utility Systems Department.

**f. Capital Improvements Objective 9.1.2:**
The City shall review development applications in order to implement concurrency management system requirements to ensure development orders issued will not result in a reduction of required public facilities based on adopted levels of service, and to ensure that development bears 100% of costs for public facilities necessary to service such development.

**Capital Improvements Policy 9.1.2.1:**
The availability of public facilities shall be determined and measured using the following LOS standards for the required public facility classifications.

**Response:** This amendment is consistent with this policy for planning for public facilities as demonstrated in the supporting analysis. This amendment will not reduce the adopted level of service standards for any public facilities within the first 5 years. As development occurs beyond 5 years, the developer will be required to enter into a developer's agreement to address any impacts of development in advance.

**Authority:** Sections 163.3161(3); Section 163.3154(22); 163.3181(2), 163.3167 (13); and 163.3177(1), (3), (4)(a), (6)(a), (b), (c), (d), (e), and (f), (3); and (10)(e); F.S.; Rules 9J-5.003(13); 9J-5.005(2), (3), (4), (5), and (6); 9J-5.055(1)(a) and (b); 9J-5.006(1)(g), (2), (3)(b)1 and 8, and (3)(c)2 and 3, and (5); 9J-5.010(2)(a)&(b); 9J-5.011(1), (2)(b)1, 2, (2)(c)1, and 2; 9J-5.013(1), (2) and (3); 9J-5.015(1), (2), and (3); 9J-5.016(1), (2), (3)(b)1, 3, 4, 5, (3)(b)5, 8, and (4); and 9J-5.019(3) (4)(b)2, 3, (3)(c)11, F.A.C.

**Recommendation:**

1. Revise the amendment to include an analysis, based on professionally accepted methodology and assumptions, demonstrating that the proposed land use changes are needed in order to accommodate the City's projected population growth, will result in energy-efficient land use patterns, reduce greenhouse gas emissions and discourage the proliferation of urban sprawl consistent with the requirements of Rule 9J-5, F.A.C., and the City of Port St. Lucie Comprehensive Plan. The analysis must take into account vacant, developable land already included in the Future Land Use Map for residential, commercial, retail, office and Industrial development. Additionally, the projected population used in the analysis of need must be consistent with the planning time frame of the City's Comprehensive Plan.

**Response:** The analysis is oriented to providing updated supportive population projection data for the following proposed amendments: Orange Lake Crossing (Amendment 09-1); and Graves Brothers and Luiks Grove (Amendment 09-2). A single response is provided since the ORC objections, as they relate to population projects and demonstration of need, are similar. Further, a single response can account for the cumulative effects of the three proposed amendments. Please refer to Item B for Amendment 09-2. Please see Exhibit A: "Sub-Area Policy" and Exhibit B: "Demonstration of Need" prepared by James P. Fleishman, Land Research Management, LLC in the Supplemental Information Package. (under separate cover)
2. If the City can support the need for the proposed land use change, then revise the data and analysis to demonstrate that adequate potable water, sanitary sewer, and roadway capacity are available to serve the maximum development potential or include a site specific policy in the Future Land Use Element to limit development on the site to the level of development that can be supported by Public Facilities. If data and analysis determines that capital improvements will be needed in the next five years to address the potable water and roadway impacts created through this amendment, then those capital improvements must be included in a financially feasible five year schedule of capital improvements. To be financially feasible, projects in the first three years of the schedule of capital improvements must be funded by committed revenue sources. Projects identified in years four and five can be funded by committed or planned revenue sources.

Response: The analyses (Exhibit C & D) address the availability to serve the development potential of the proposed Lufts Groves land use amendment with regard to potable water, sanitary sewer, and roadway capacity, cumulatively with the proposed amendments for Orange Lakes Crossing and Graves Brothers. Please see Exhibit C: “Analysis of Water and Wastewater Capacity Availability” prepared by East Bay Group, Inc. and Exhibit D: “Traffic Analysis” prepared by Susan O’Rourke, PE, Inc. in the Supplemental Information Package. (under separate cover)

3. Revise the Comprehensive Plan to include objectives and policies that provide meaningful and predictable standards and a measureable outcome that will result in compact, mixed use communities that contain a variety of housing types and prices, a variety of employment and shopping opportunities, and require a multi-modal transportation system that will result in reduced greenhouse gas emissions.

a. Revise the Future Land Use Element to include objectives and specific policies with strategies to guide energy efficient land use patterns accounting for existing and future electric power generation and transmission systems and that reduce greenhouse gas emissions.

Response: The City will be addressing the reduction of greenhouse gas emissions during the preparation of the Evaluation and Appraisal Report process. (EAR) Please see City’s response to this issue.

b. Revise the Transportation Element to include objectives and policies with strategies that address the reduction of greenhouse gas emissions from the transportation sector.

Response: The City will be addressing the reduction of greenhouse gas emissions during the preparation of the Evaluation and Appraisal Report process. (EAR) Please see City’s response to this issue.

c. Revise the Housing Element to include objectives and policies with strategies that promote energy efficiency and the use of renewable energy resources in the construction of new homes as well as during redevelopment activities.

Response: The City will be addressing energy efficiency and the use of renewable energy resources during the preparation of the Evaluation and Appraisal Report process. (EAR) Please see City’s response to this issue.

d. Revise the Conservation Element to include objectives and policies with strategies to address energy conservation.

Response: The City will be addressing energy conservation during the preparation of the Evaluation and Appraisal Report process. (EAR) Please see City’s response to this issue.

4. The City has annexed substantial lands in recent years that do not appear to be based on a master plan for the Western Annexation Area. The City should prepare a master plan for the Western
Annexation Area. The City has initiated planning for the Northwest Annexation Area through the adoption of the Proposed Roadway Grid Network Map, the development of a proposed master stormwater management plan, and the identification of some school and park sites. However, the City has not adopted a master plan for the area to serve as an overall guide for future development. As a result, the City must consider each application for annexation and Future Land Use Map designation approval independently without the benefit of a conceptual plan for the entire area. Furthermore, a master plan which includes appropriate development controls listed at 9J-5.006(5)(j), F.A.C., will assist in the discouragement of urban sprawl.

The master plan should define the boundaries for the Western Annexation Area (coterminal with the City's Utility Service Area) and a phased plan for annexations based on the need for additional land uses and the ability of the City to provide public facilities. The implementation of a master plan would provide the opportunity for the City to assess whether a proposed amendment includes the appropriate range and mix of uses that would allow the area to become a sustainable and integral part of the City. The master plan should guide development in the form of neighborhoods and districts that contain a balanced, well-planned compatible and functional mix of land uses. The master plan should include a well planned network for public infrastructure, including roads, bicycle, pedestrian, and public transit facilities; public facilities and infrastructure including civic sites, stormwater management, schools, parks, and adequate recreational and entertainment facilities; employment opportunities; and a variety of housing including various types, sizes, and affordability.

The Comprehensive Plan should be revised to include objectives and policies to implement the master plan as development in the Western Annexation Area proceeds. The objectives and policies should provide meaningful and predictable standards and a measureable outcome. The objectives and policies should not undermine urban infill strategies or promote urban sprawl.

Response: The City will be addressing the requested master plan elements during the preparation of the Evaluation and Appraisal Report process. (EAR) Please see City's response to this issue.

III. Consistency with Chapter 187, F.S.

The proposed amendment is inconsistent with the following provisions of Chapter 187, F.S., the State Comprehensive Plan:

- Section 187.201(4) Housing, Policy (b) 3: Ensure the provision of affordable housing.
- Section 187.201(7), Water Resources, Policy (b) 5: Ensure the availability of water for new development.
- Section 187.201(9) Natural Systems and Recreational Lands, Policies 1, 2, 3, 4, 7, and 10: To ensure the protection of environmentally sensitive lands, endangered and threatened species and their habitats.
- Section 187.201(15) Land Use Policies, 1, 2, 3, and 6: Ensure development occurs where there are public facilities to support the development; encourage an attractive and functional mix of uses for living, working, shopping, and recreation; ensure compatibility with water supplies and other natural resources.
- Section 187.201(16) Urban and Downtown Revitalization, Policies 6, 8, 9, and 10: Regarding the integration of land use, water use, and transportation planning, including schools and multimodal systems.
- Section 187.201(17) Public Facilities, Policies 2, 3, 4, 5, 6, 7, and 9: To ensure the availability of public facilities.
- Section 187.201(19) Transportation, Policies 2, 3, 7, 9, 11, 13, 14, and a5: To ensure a transportation system that provides efficient access to services, jobs, and attractions.
- Section 187.201(25), Plan Implementation, Policies (b) 1, 3 and 5: Ensure that local plans implement and accurately reflect State goals and policies.
By addressing the concerns noted in Section I., these inconsistencies with Chapter 187, Florida Statutes, can be addressed.

Response: Please refer to the previous responses provided in Section I of this report addressing the specific provisions of Chapter 187, F.S., the state comprehensive plan outlined above.
To: Council Members

From: Staff

Date: July 17, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Village of Wellington Comprehensive Plan
DCA Reference No. 09-RSWP1

Background

On May 26, 2009, the Village of Wellington adopted text amendments to a number of the elements of the Village Comprehensive Plan. The purpose of the amendments was to address statutory requirements regarding water supply facility planning.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on December 12, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on December 1, 2008.

Evaluation

A. TCRPC Report

The report approved by the TCRPC included no comments/recommendations for modification. The amendments were considered to be consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The DCA report contained six objections. The objections are shown in the Village Response document, included as Attachment A.

C. Village Response

1. To TCRPC Comments/Recommendations for Modification

   No response necessary.

2. To the DCA ORC Report

   The Village response to the DCA objections is shown in Attachment A.

Conclusion

For information only.

Attachment
VILLAGE OF WELLINGTON
RESPONSE TO
FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT FOR
PROPOSED COMPREHENSIVE PLAN AMENDMENT

DCA Number 08-RWSP-1
Village of Wellington Petition Number 2008-003 CPA

May 8, 2009

**Objection 1:** The Village of Wellington Service Area Map included in the work plan is inadequate. The Map does not clearly delineate the entire service area including the communities of Farmington Estates and Wycliffe in unincorporated Palm Beach County, and the areas in the Village of Royal Palm Beach that are served by the Village of Wellington.

**Recommendation:** Revise the Service Area Map to identify the entire Village of Wellington geographic service area including the communities of Farmington Estates and Wycliffe in unincorporated Palm Beach County and the areas in the Village of Royal Palm Beach that are served by the Village.

**Village of Wellington response:** Map 1, located on Page 10 of the Water Supply Facilities 10 Year Work Plan (Work Plan) has been relabeled with the communities of Farmington Estates and Wycliffe in unincorporated Palm Beach County and the areas in the Village of Royal Palm Beach that are served by the Village.

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**Objection 2:** The Village’s Work Plan does not provide information as to the source of the population projections or the methodology used to derive the population projections.

**Recommendation:** Revise the data and analysis to include a description of the methodology or source that was used to derive the population projections. The methodology or source must be professionally accepted and applied. Revise the Village’s Water Supply Plan, as necessary, based on any revisions made to the population projections.

**Village of Wellington response:** Population projections were derived from maximum development potential of vacant land, existing development orders for properties and the Village’s Evaluation and Appraisal Report (EAR). This methodology includes data used for areas served by Village Utilities within and outside of Village municipal boundaries as well as for areas within Village municipal boundaries that are served by other utilities. The data and
analysis has been revised in conjunction with South Florida Water Management District (SFWMD), Palm Beach County and the Village of Royal Palm Beach and is included as Exhibit "A." The data and analysis is also is detailed in Section 3.0 of the Work Plan. All tables throughout the Work Plan have been revised and updated as necessary in conjunction with and reviewed by SFWMD.

Objection 3: The Work Plan uses inconsistent level of service standards to project potable water demand through the year 2020. Tables 5, 6, 7, 8, and 9 present projected water demands for the permanent population; the seasonal population; the total permanent and seasonal population; the population of the unincorporated areas served by the Village; and the portion of Royal Palm Beach served by the Village. Each table uses a different level of service for potable water. Tables 5, 6 and 7 use different level of service standards within the same table.

Recommendation: Coordinate with Palm Beach County, The Village of Royal Palm Beach, and the South Florida Water Management District to resolve the inconsistencies in the potable water level of service standards used to project potable water demand for the Village of Wellington service area. Revise the potable water demand projections based on the updated potable water level of service standard.

Village of Wellington response: The Village has coordinated with SFWMD, Palm Beach County and the Village of Royal Palm Beach to ensure consistency for potable water level of service standards (LOS) used to project potable water demand for the Village of Wellington service area. Section 3.4 of the Work Plan details the Village’s LOS standards. All Work Plan material and tables have been updated as necessary in conjunction with SFWMD.

Objection 4: As identified in the South Florida Water Management District’s letter dated November 14, 2008, the Village should complete their renewal process for Consumptive Use Permit #50-00464-W by addressing specific information requested in the District’s Request for Additional Information letter dated April 12, 2007. This includes: demand analysis; facility losses for the Reverse Osmosis plant; reuse feasibility study; and past historic use to determine base condition allocations.

Recommendation: As identified in the South Florida Water Management District’s letter dated November 14, 2008, the Village should complete their renewal process for Consumptive Use Permit #50-00464-W by addressing specific information requested in the District’s Request for Additional Information letter dated April 12, 2007. This includes: demand analysis; facility losses for the Reverse Osmosis plant; reuse feasibility study; and past historic use to determine base condition allocations.

Village of Wellington response: The Village of Wellington Utilities Department is in the process of completing the updated SFWMD Consumptive Use Permit #50-00464-W (CUP).
Data and analysis from the Work Plan from the Work Plan and the CUP application had been revised in conjunction with SFWMD as needed to ensure consistency between the two. Because there is internal consistency of data and analysis between the two, SFWMD has agreed to decouple the Work Plan and CUP application at this point and allow the Work Plan to move forward through the approval process.

Objection 5: The Village did not identify the source of groundwater that will be used by the new wells described in the work plan. The Village may not have source capacity to meet future water demands until the determination is made by the Water Management District through the consumptive use permitting process.

Recommendation: Coordinate with the South Florida Water Management District to identify the source of groundwater that will be used by the new wells described in the work plan.

Village of Wellington response: The Village will continue to investigate the surficial aquifer as a source of additional water withdrawal in the future. Should the investigation conclude there are impacts to adjacent users or the regional water supply and that mitigation is not feasible, the Village will utilize the Floridan aquifer system for future water supply. The Village has committed funding within its Capital Improvement Program for the construction of additional facilities for withdrawing water from either the surficial or the Floridan aquifer.

Objection 6: The Village did not include policies with specific programs and activities to ensure ongoing coordination with Palm Beach County and the Village of Royal Palm Beach for water supply planning issues.

Recommendation: Revise the Intergovernmental Coordination Element of the Comprehensive Plan to include an objective and policies to ensure a meaningful process for collaborative planning and intergovernmental coordination on a continuing and ongoing basis on water supply issues between the Village, Palm Beach County, and the Village of Royal Palm Beach. Coordination could include sharing of information regarding water supply needs, implementing alternative water supply projects (including reuse and other conservation measures), establishing level of service standards and serving newly annexed areas.

Village of Wellington response: The Intergovernmental Coordination Element of the Village’s Comprehensive Plan is being revised in conjunction with SFWMD, and as part of the Village’s Evaluation and Appraisal Report (EAR) is in the review process by the Florida Department of Community Affairs (DCA). It is expected the revisions will be incorporated into the Village’s Comprehensive Plan by July 2009. The following text has been proposed:
(Proposed) Intergovernmental Coordination Element Policy 1.8.1
The Village shall continue to coordinate with Palm Beach County, the Village of Royal Palm Beach and the South Florida Water Management District to update the Work Plan as will be periodically necessary. Population projections, potential annexations and other related data shall be submitted to local governments within the Village’s Utility Service area. Local governments receiving data shall be requested to provide a letter acknowledging and responding to the information provided by the Village. The verification of the provided information shall be incorporated into the Data and Analysis section of the Comprehensive Plan.

(Proposed) Intergovernmental Coordination Element Policy 1.8.2
The Village may pursue an Interlocal Service Boundary Agreement (ISBA) for provision of water service by the Village to Palm Beach County and the Village of Royal Palm Beach. The Village may also pursue an ISBA between the Village and the County for provision of water service by the County to areas within the Village that are not served by Village Utilities.

(Proposed) Intergovernmental Coordination Element Policy 1.8.3
The Village shall continue to work with the Intergovernmental Plan Amendment Review Committee (IPARC) to analyze, evaluate and share information that may further the goals of the Lower East Coast Water Supply Plan and the Village’s Work Plan.

The proposed text will help ensure ongoing collaborative planning and intergovernmental coordination between the Village, Palm Beach County, and the Village of Royal Palm Beach.

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Objection 7: The Village has not adopted an implementation schedule for water supply related projects needed in the next five years in a financially feasible five year schedule of capital improvements with committed funding sources for the first three years.

Recommendation: Revise the amendment to include the Capital Improvement Projects needed in the next five years as shown in Table 13 of the Village’s Work Plan, in a financially feasible Five-Year Schedule of Capital Improvements.

Village of Wellington response: The five year Capital Improvement schedule has been revised and is included as Table 11 of the Work Plan. A full listing of schedules and committed funding sources are included within Table 11.