

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 5E

From: Staff

Date: April 16, 2010 Regional Planning Council Meeting

Subject: Local Government Comprehensive Plan Review
Draft Amendments to the City of Fort Pierce Comprehensive Plan
DCA Reference No. 10-1

Introduction

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

Background

The City of Fort Pierce has proposed text amendments to the Future Land Use Element of the City Comprehensive Plan. The City has requested that the DCA carry out a formal review of the amendments.

Evaluation

Text Amendments to the Future Land Use Element

1. The first amendment revises Policy 1.1.2 which includes a Table (1-12) that sets forth the density and intensity permitted within each Future Land Use Map (FLUM) designation. The revised policy makes reference to zoning districts (established in the City Land Development Regulations) that may be permitted within each FLUM designation as long as the density/intensity does

not exceed the limitations set forth in Table 1-12. The table is revised to redefine the thresholds for the Mixed Use Development (MXD) category. Development under the MXD designation must contain a minimum of two of the following land uses: Residential, Institutional, Commercial, Industrial.

The text amendment was proposed by a landowner whose land is currently in the unincorporated County and has a MXD designation under the County Plan. Under the County Plan, the MXD designation requires a residential component. The City designation, as proposed, does not require a residential component. The landowner anticipates annexing into the City.

2. New Policy 1.1.7 indicates that limited commercial uses that support the local residents may occur in all residential future land use designations without a change in future land use designation provided that the following criteria are met:

- The intent of the commercial use is to provide easily accessible, convenience-type uses to immediately surrounding residents;
- The property for which the commercial designation is sought is located on an Arterial or Major Collector;
- Conversion of the petitioned property would not promote any strip commercial use of land;
- The use is compatible with the surrounding land uses and is provided with adequate screening and buffering of any adjacent residential property; and
- The property for which the commercial designation is sought does not exceed 10 acres.

The City gives the following reasons in support of the new policy. It would:

- Further sustainability
- Promote a mix of integrated uses within walking and bicycle distance
- Promote locally owned businesses to improve community and local wealth
- Reduce traffic congestion and air pollution
- Reduce costs of the plan amendment process
- Promote equitable distribution of goods and services
- Encourage a self-sufficient local economy
- Reduce dependence on fossil fuels
- Encourage pedestrian-friendly design, and compact development

The City indicates that as residential areas build out, there is more demand for neighborhood and office commercial uses.

Extrajurisdictional Impacts

Under the informal agreement facilitated by the TCRPC, local governments in the northern three counties of the region are to provide copies of amendment materials to other local governments that have expressed an interest in receiving such materials. The City provided copies of the amendment materials to St. Lucie County, St. Lucie Village, Port St. Lucie and Martin County. Council sent a memorandum to the surrounding local governments on March 18, 2010, seeking information on any conflicts between these proposed amendments and existing plans. As of the date of the preparation of this report, no negative extrajurisdictional impacts have been identified.

Effects on Significant Regional Resources or Facilities

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

Analysis of Consistency with Strategic Regional Policy Plan

Comments/Recommendations for Modification

1. The definition of the new FLUM category “Mixed Use Development” indicates that there must be “a minimum of two of the following general land uses: Residential, Institutional, Commercial and/or Industrial”. The City intends that the landowner will have a choice among all four of the listed general land uses. However, the use of “and/or” in the definition makes the definition confusing. The definition could be clarified by amending it to read “Residential, Institutional, Commercial or Industrial”.
2. The revised definition of Mixed Use Development in Table 1-12 does not contain any intensity standards for non-residential land use. However, Policy 1.1.2, as revised, makes reference to density or intensity authorization within Table 1-12. The City should include the maximum floor area ratio to be permitted for non-residential development under the Mixed Use Development FLUM designation in Table 1-12.
3. New Policy 1.1.7 indicates that limited commercial uses are permitted in all residential FLUM designations if a series of criteria can be met. However, Table 1-12 already indicates that some limited commercial uses are permitted in certain residential FLUM districts. It is recommended that Table 1-12 be revised to indicate that commercial uses are allowed in all residential districts consistent with the provisions of Policy 1.1.7.
4. New Policy 1.1.7 allows limited commercial uses in areas within a residential FLUM designation if several criteria are met. The policy clearly indicates that such uses are to be convenience-type uses to serve the immediately surrounding residents. However, the final criteria for such commercial uses indicates that the commercial property can be up to 10 acres in size. This is much too large a parcel of property for convenience-type uses within a local neighborhood. An entire City block, by common

definition, is less than 4 acres in size. Yet, the City proposes to allow up to 10 acres of commercial uses in a residential area without a comprehensive plan amendment.

The SRPP indicates that neighborhoods should be diverse places, with a variety of housing types and sizes and a number of non-residential uses such as schools, playgrounds, churches and small scale stores. In order to be relatively self-contained, the neighborhood should have a mix of uses and be walkable. Therefore, a walkable trip to a small convenience store as proposed in City Policy 1.1.7 would be consistent with the SRPP. However, the City's proposal to allow what they define as "convenience type" uses on parcels up to 10 acres in size would not be consistent with the SRPP. That size of property would be more appropriate for a community-size commercial development, serving many neighborhoods and districts. The City should reconsider this criterion and limit such neighborhood convenience commercial uses to smaller parcels. In situations where the City considers it appropriate to allow commercial development on large parcels in areas designated for residential use, the City should go through the comprehensive plan amendment process by formally redesignating the land for commercial use and allowing for the full public participation and review that is part of the comprehensive plan amendment process.

5. The intent of new Policy 1.1.7 is to allow neighborhood commercial uses without a change in the FLUM designation (which would require a comprehensive plan amendment). However, criterion 5 of proposed Policy 1.1.7 refers to a property seeking a "commercial designation". This should be clarified.

Consistency with Strategic Regional Policy Plan

The contract agreement with the DCA requires the TCRPC to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. The proposed text amendments are consistent with Regional Goal 4.1 and Strategy 4.1.1 regarding future development, and Regional Goal 5.1 regarding redevelopment, revitalization and infill development. If the City adequately addresses the concerns expressed above regarding the size of parcels on which convenience-type commercial uses in residential areas will be permitted in proposed Policy 1.1.7, the proposed amendments would be considered to be CONSISTENT with the SRPP.

Recommendation

The Treasure Coast Regional Planning Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

Attachments

List of Exhibits

Exhibit

- 1 General Location Map
- 2 Future Land Use Map

Exhibit 1 General Location Map City of Fort Pierce



