

Board of County Commissioners

Agenda Request

Date of Meeting: May 5, 2009

Date Submitted: April 17, 2009

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator
Lindsay Stevens, Assistant County Administrator
Melissa Corbett, Planner II

Subject: Adoption of Comprehensive Plan Map Amendment CP07-11
(Big Bend, LLC, owner; Robert Routa, agent)

Statement of Issue:

This agenda item provides the Board with an Application for a Large Scale Comprehensive Plan Map Amendment from Rural 2 to Commercial (Non-Urban) and Rural 3 (Rural Residential), on a parcel located at 3771 Crawfordville Highway (Attachment 1).

Background:

This application requests a Map Amendment from the existing Rural 2 to Commercial (Non-Urban) and Rural 3 (Rural Residential) land uses. Per the warranty deed, this property is a 26.53+/- acre parcel located on the east side of Crawfordville Highway, just south of Lisa Drive (Attachment 2). A mixed use development with commercial and residential is currently planned for the property.

Technical Review Committee (TRC):

On July 19, 2007, the application was reviewed and the applicant was notified that a Letter of Authorization was required to complete the file. The Letter of Authorization was provided by the deadline (Attachment 3).

Planning Commission:

The Commission considered the application at its August 13, 2007 Public Hearing. The agent was on hand to make a presentation and answer questions. During the public hearing, one citizen spoke in favor of the application, and no one expressed opposition. The Planning and Zoning Division staff recommended "Board Direction" on this item. The Commission voted to recommend approval of the item 6-0.

BOCC:

After the application was placed on hold during a Map Amendment "moratorium", the Board of County Commissioners considered the application at their October 6, 2008 Public Hearing. In the same manner as the Planning Commission hearing, the agent and associated professionals were present at the hearing to represent the application.

One citizen spoke in favor of the proposed development. The Commission voted to transmit the application to the State Department of Community Affairs (DCA) by a 4-1 vote.

State DCA:

The DCA, in conjunction with other State agencies, reviewed the application and submitted their official list of Objections, Recommendations, and Comments (ORC) Report to the County on January 3, 2009 (Attachment 19). Within the ORC, a few objections were raised to the proposed development as follows: lack of sufficient wastewater and potable water services and lack of ability to meet the adopted Level of Service (LOS) standard for US 319.

Analysis:

Comprehensive Plan:

The Future Land Use Map (FLUM) designation for the property is Rural 2. This designation allows for commercial development and residential at lower densities.

Commercial, one of the proposed designations in the present application, allows for commercial development, but does not allow for residential uses. The other proposed land use, Rural 3, allows for both residential and commercial zoning districts. Residential is allowed at one unit per acre with central water and sewer services.

Thirteen acres of the Subject Property are proposed to be changed from Rural 2 to Rural 3. Currently, these thirteen acres would be eligible for six (6) residential dwellings, provided central water was servicing the units. Should the Rural 3 designation be approved for this portion of the Subject Property, it would then be eligible for 13 residential units. Therefore, if the Amendment is approved it would allow a one hundred and sixteen (116) percent increase over the existing dwelling unit allowance.

Development Potential Comparison Chart			
Land Use	Maximum Residential Density Allowed	Potential Residential Units	Maximum Non-Residential Allowed
Rural 2 (Existing land use)	1 unit/5 acres with well 1 unit/2 acres with central water	13 (on total Subject Property)	Maximum Floor Area Ratio (FAR) of 0.15 & 15,000 s.f. maximum for individual activities
Commercial	N/A	N/A	Maximum Floor Area

(Proposed land use)			Ratio (FAR) of 0.50 with central sewer and water or 0.25 without central services
Rural 3 (Proposed land use)	1 unit/5 acres with septic tank <u>and well</u> 1 unit/1 acre with central water and sewer	13 (thirteen acres proposed for this land use)	Maximum Floor Area Ratio (FAR) of 0.15 & 15,000 s.f. maximum for individual activities

Land Development Code (LDC):

The current zoning districts for the property are Agriculture and C-2 (General Commercial). The Agriculture zoning allows for site-built and mobile homes in addition to farming and silviculture activities. It allows one residential unit per five acres, but has a special requirement that property in the zone not be divided into tracts smaller than ten acres in size. The C-2 district allows for a wide variety of commercial activities and does allow for residential solely in conjunction with a business.

The proposed Commercial land use allows for all commercial zoning districts except RC-1, rural commercial district. In addition, it allows commercial PUDs. The proposed Rural 3 land use allows for AG zoning, commercial zoning districts and most residential zoning districts but excludes those which allow mobile homes.

Site Conditions:

The FEMA flood zone designation for the property is zone “C”. Zone “C” is an area of minimal flooding, and usually does not require flood insurance by mortgage lenders.

Three isolated wetlands and a low lying karst valley were located on the eastern portion of the property by Biological Research Associates during their environmental assessment of the parcel. No listed animal or plant species were identified in this assessment

Adjacent Parcels:

Abutting parcels are designated Rural 2. Rural 2 allows for limited commercial zoning districts and several residential zoning districts. It allows one residential unit per five acres with a well and one unit per two acres with central water service.

Compatibility:

Currently there are no Commercial or Rural 3 land uses in the vicinity of the Subject Property. This parcel is surrounded by Rural 2 land uses, the

same as the existing use, on all sides except the parcel abutting the eastern boundary, which is designated with an Agriculture land use.

The Commercial land use is designed to accommodate larger commercial activities not allowed by the limited commercial seen in Rural and Urban designations per Comprehensive Plan Policy 1.2.7(1), Commercial land use. Due to the lack of other Commercial land uses in the area, this proposal does not appear to be consistent with the existing and proposed character and nature of the area. However, it should be noted that the majority of this property is located within Enterprise Zone. Staff was not able to determine the exact distance the Enterprise Zone extends from US 319 into the parcel, due to the lack of detail on existing maps. However, per staff's estimate, the fourteen acres proposed for the Commercial land use appears to be completely within the existing Enterprise Zone. The Enterprise Zone is an area designated by Wakulla County and the State of Florida as one targeted for economic growth and where commercial development has generally been encouraged. As such, businesses which locate within the Enterprise Zone may classify for tax credits or other incentives.

Rural 3 is only to be utilized on parcels adjacent to arterial or major collector roads and on lands that have at least one common boundary with parcels designated with a Rural 2 land use or higher per Comprehensive Plan Policy 1.2.12. The Subject Property meets this requirement.

This property's current Agriculture and C-2 zonings are consistent with the existing Rural 2. The C-2 zoning would be consistent with both the proposed Commercial and Rural 3 land uses, while the Agriculture would only be compatible with the Rural 3 use.

Public Notification:

This request has been noticed and advertised in accordance with the provisions of the Wakulla County Land Development Code. The Planning Department also posted appropriate signage on the property indicating the Map Amendment request.

The advertisement for this public hearing appeared in the Wakulla News on April 16, 2009 (Attachment 17).

Additional Issues:

A narrative has been provided by the applicants to support their request. The narrative provides details on all aspects of the Subject Property and is joined with information regarding the location, justification for the

need of the Map Amendment and how it is consistent with applicable regulations (Attachments 4-7).

Discussion of infrastructure availability for this project was included by the applicant in their original submittal and contains confirmation from the City of Sopchoppy that potable water is available to service the project if approved. In addition, a traffic generation report was prepared by Kimley-Horn and Associates, Inc. that showed a need for right and left turn lanes entering the development from Crawfordville Highway (Attachments 9 and 10).

A previous agenda request was submitted for this project to be heard at the September 4, 2007 Board meeting. Within this original request a staff recommendation for Board Direction was given. The staff recommendation for Board Direction was also given to the Planning Commission at its August 13, 2007 meeting. Due to the Florida Department of Community Affairs' "hold" on Comprehensive Plan Amendments at that time, the applicant asked to continue this item until Map Amendments were allowed to be processed again (Attachment 14). Therefore, the item was not heard by the Board until the October 6, 2008 meeting for its transmittal hearing.

As previously noted, the DCA issued an ORC report for CP07-11, which contained the following objections: 1) Lack of sufficient wastewater and potable water services and 2) Lack of ability to meet the adopted Level of Service (LOS) standard for US 319. In response to the lack of potable water to service the project, the agent provided a Verification of Availability of Infrastructure-Water from the City of Sopchoppy to clarify that the necessary infrastructure will be available to the development. In order to support this claim, the City of Sopchoppy's Initial Capacity Analysis Report and updated Northwest Florida Water Management District Consumptive Use Permit have been submitted. Staff has found these materials to sufficiently address this concern. In addition, documentation from County Public Works has been provided by the agent to verify the County's commitment to upgrading the wastewater treatment plant, which will be needed to serve the development (Attachment 20).

The second concern raised by DCA was that the application did not sufficiently demonstrate the adopted LOS "E" for US 319 will be maintained after the development occurs on the Subject Property. The original application provided a traffic analysis, which indicated a need

for right and left turn lanes to serve the development, as previously noted. In addition, the traffic analysis provided an anticipated LOS deficiency for the segment of US 319 between Lower Bridge Road and East Ivan Road as a result of this project. At the final plat and site plan phases of the project another traffic analysis will be required to verify the proposed development's impact to the surrounding traffic network as required by the Transportation Concurrency Management System, as found in Sections 24-150 through 24-157 of the LDC. If the future traffic analysis continues to indicate that resulting traffic will exceed the adopted LOS, then a Proportionate Fair Share contribution will be required from the property owner per the Transportation Concurrency Management System requirements. However, it should be noted that currently no capital projects are identified in the County's 5 year Capital Improvements Program or associated Comprehensive Plan Capital Improvements Element to sufficiently address the potential deficiencies on US 319. Before a Proportionate Fair Share contribution can be collected, the contribution must be specifically marked for a project identified in the Capital Improvements Element of the Comprehensive Plan. The County would then be committed to funding the remaining costs of the identified infrastructure improvement.

Options:

1. Conduct a Public Hearing and vote to adopt the proposed Comprehensive Plan Amendment, amending the Future Land Use Map designation from Rural 2 land use to Commercial (Non-Urban) and Rural 3 (Rural Residential), based upon the Planning Department's recommendation and the findings of fact and conclusions of law made by the Board and any evidence submitted at the Hearing hereon.
2. Conduct a Public Hearing and vote not to adopt the proposed Comprehensive Plan Amendment, retaining the existing Rural 2 land use designation based upon the findings of fact and conclusions of law made by the Board and any evidence submitted at the Hearing hereon.
3. Board Direction.

Recommendation:

Option #3 The Board of County Commissioners voted to transmit application CP07-11 at their October 6, 2008 Public Hearing, thus, showing their support for the proposal. This decision took into consideration the Planning Commission's positive recommendation in their role as the Local Planning Agency pursuant to Section 24.037, Wakulla County Code and Section 163.3174, Florida Statutes.

In the Agenda Request for the August 13, 2007, Planning Commission meeting, staff officially recommended "Board Direction" for this Comprehensive Plan Map

Amendment CP 07-11. Additionally, staff noted that the Subject Property does contain three isolated wetlands, but no evidence of listed species was found.

As previously noted in the Additional Issues section, the traffic analysis indicated that traffic resulting from the Amendment will exceed the adopted LOS standard. In addition, there are currently no capital projects identified in the County's 5 year Capital Improvements Program or associated Comprehensive Plan Capital Improvements Element to sufficiently address the potential deficiencies on US 319. To include a project of this nature in the Capital Improvements Element would require the Board to adopt the project through a Comprehensive Plan Text Amendment. It should also be noted that if the developer is required to contribute a Proportionate Fair Share payment towards a US 319 capital improvement project, the remaining cost of the project would be incurred by the County, as the developer is only required to pay for a portion of the costs. Due to these transportation issues and the Planning Department's previous recommendation, Board Direction is being sought.

Attachment(s):

1. Application
2. Deed/Legal Description
3. Letter of Authorization
4. Narrative and Location
5. Sketch
6. Need
7. Consistency
8. Environmental Assessment
9. Public Facilities
10. Traffic Analysis
11. School Board Letter
12. Contacts
13. Maps
14. 2007 Agenda Request
15. FLUM Policy 1.2.4, 1.2.7 and 1.2.12
16. LDC Section 5-25 and 5-38
17. Advertisement
18. Site Photos
19. State DCA ORC Report
20. Applicant's Response to DCA's ORC Report
21. Draft Ordinance