

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 and Text Amendment CP07-12
(Spring Creek Farm, 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 Agriculture (Primary Agriculture) to Rural 1 (Agriculture/Rural Fringe), on a parcel located on Sand Lake Road (Attachment 1). In addition, the Application contains a Comprehensive Plan Text Amendment to FLUE Policy 1.2.3, Rural 1 Land Use, which restricts the number of residential homes allowed on the property and requires that all of these homes be energy efficient.

Background:

This application requests a Map Amendment from the existing Agriculture (Primary Agriculture) to a Rural 1 (Agriculture/Rural Fringe) land use. Per the warranty deed, this property is a 229.744+/- acre parcel located on Sand Lake Road, south of Coastal Highway and west of Spring Creek Highway (Attachment 2). Twenty-three, ten acre home sites are currently planned for the property. As a result of the State Department of Community Affairs Objections, Recommendations and Comments Report, a Text Amendment has been added to the application, which will be described in further detail below.

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. In addition, staff noted several concerns on the project. The Building Department stated that a concern may arise over the density increase created here because of the impacts additional traffic will have on Rehwinkel Road and Spring Creek Highway. Emergency Management noted that this property includes portions that are at risk for flooding. 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, two citizens spoke in favor of the application, and two members of the public expressed opposition. One of the issues raised by the public included an inaccurate representation of soil types on the Subject Property per the application's narrative. In addition, a concern over the application's failure to address planning for hurricane evacuations for an increased residential population was discussed. The Planning and Zoning Division staff recommended "Board Direction" on this item. The Commission voted to recommend approval of the item 5-1.

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. 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, several objections were raised to the proposed development, which are as follows: 1) Lack of sufficient wastewater and potable water services, 2) Lack of ability to meet adopted Level of Service (LOS) standard for US 319 and 3) Exhibits indicators of urban sprawl and lack of demonstrated residential land use need, lack of energy efficient land use pattern, and does not support greenhouse gas reduction.

Analysis:

Comprehensive Plan:

The Future Land Use Map (FLUM) designation for the property is Agriculture. Agriculture allows a residential density at one home per twenty acres, except in areas that are wetlands, where density is permitted at one home per forty acres per Policy 1.2.2(3) of the Comprehensive Plan. The proposed Land Use is Rural 1. Subject to Comprehensive Plan Policy 1.2.3, Rural 1 land use, residential development is allowed in this designation at very low densities. Specifically one dwelling is allowed per ten acres with dirt road access, while one dwelling per every five acres is allowed with paved road access.

Development Potential Comparison Chart			
Land Use	Maximum Residential Density Allowed	Potential Residential Units	Maximum Non-Residential Allowed
Agriculture (Existing land use)	1 unit/20 acres	11	N/A
Rural 1 (Proposed land use)	1 unit/10 acres with dirt road 1 unit/5 acres with paved road	22.9 on dirt roads or 45 with paved roads	N/A

When applying these policies to the Subject Property it can be determined that the number of potential units could increase from 11 to 45, if all applicable infrastructure were provided. This represents a potential three hundred and nine (309) percent increase. However, it is important to note the proposed Text Amendment, which has been added to the application in response to the ORC, limits the number of dwelling units to twenty three (23). By limiting the number of dwellings in this manner, the potential increase in units has been reduced to one hundred and nine (109) percent.

Land Development Code:

The current zoning district for the property is Agriculture. 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. However, it should be noted that this district also has a special requirement that does not allow property to be divided into lots less than ten acres.

The proposed Rural 1 land use would allow for several residential zoning districts, but disallows commercial. In addition, Rural 1 also permits the Agriculture zoning district.

Site Conditions:

The FEMA flood zone designations for the property are zone “A and C”. Zone A is the area of the 100 year flood area, which can require special foundations for structures built in this zone. Zone “C” is an area of minimal flooding, and usually does not require flood insurance by mortgage lenders. The A zone is generally located in the middle and eastern portions of the Subject Property, while the C zone encompasses the remainder of the parcel.

Several wetlands are present on the Subject Property in addition to a depression feature. One wetland strand occurs at the northern boundary of the parcel, while another wetland runs through the central portion. In addition, a third wetland was located in the southwest section of the parcel.

Multiple gopher tortoise burrows were observed on the southeastern portion of the site by Biological Research Associates, LLC, who completed the environmental assessment of the parcel in 2004.

Adjacent Parcels:

Abutting parcels are designated Agriculture and Rural 1. Agriculture, as stated above in the Subject Property's designation description, allows residential density at one home per twenty acres, except in areas that are wetlands, where density is permitted at one home per forty acres. Zoning districts in these areas are limited to Agriculture and Preservation. Rural 1 allows for a few residential zoning districts, but disallows commercial. Residential development is allowed in this designation at one dwelling per ten acres with dirt road access, and one dwelling per every five acres with paved road access.

Compatibility:

Currently, Agriculture land uses are located on the abutting parcels to the north, east and south. The proposed Rural 1 designation would be compatible with the parcel immediately to the west, as this is already designated Rural 1. While not abutting the Subject Property, Rural 1 is also found in the general vicinity of the parcel. Per Comprehensive Plan Policy 1.2.3(1), Rural 1 land use, this designation is to be assigned to areas to provide limited residential use in the outlying areas which are not expected to become urban. Staff recognizes that the general location of the Subject Property fits the Policy 1.2.3 description.

This property's current Agriculture zoning is consistent with the existing Agriculture and proposed Rural 1 land uses.

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 6).

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).

Should approval be granted for development on this parcel, a permit to relocate or “take” the gopher tortoise noted in the Environmental Analysis may be required (Attachment 8).

Discussion of infrastructure availability for this project has been included by the applicant 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 shows no adverse or significant impact on roadways surrounding the Subject Project (Attachments 9 and 10).

The Planning Department received one negative written response in regard to the project on August 12, 2007, as included herein with the remainder of supporting attachments that accompanied a previous agenda request for the Amendment (Attachments 11-14).

A previous agenda request was originally 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 15).

As previously noted, the DCA issued an ORC report for CP07-12, which contained the following objections: 1) Lack of sufficient wastewater and potable water services, 2) Lack of ability to meet the adopted Level of Service (LOS) standard for US 319 and 3) Exhibits indicators of urban sprawl and lack of demonstrated residential land use need, lack of energy efficient land use pattern, and does not support greenhouse gas reduction. 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 regards to the availability of sufficient wastewater for the Subject Property, development there will be served by onsite Performance Based Septic Tanks and therefore, DCA's concerns do not apply. (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 no significant or adverse impacts would occur to the surrounding roadway network as a result of the proposed development on the Subject Property. 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 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.

The third and final concern from DCA's ORC report addressed the projects location choice as indicative of urban sprawl, not supporting energy efficient use of the land, and not supporting greenhouse gas emission through smart growth patterns. DCA's objection on this issue specifically stated, "it (the development) places population in an area remote from jobs, public services and commercial activities, thereby resulting in a greater dependence on automobiles traveling longer distances". It should be noted that, as the ORC indicates, potential traffic resulting from this development will have to drive to Crawfordville, or other urban areas, for public services. Thus, this concern is directly related to the objection over transportation, as there is

a potential for the location of this development to negatively impact the LOS on US 319. To answer these concerns, the applicant has proposed a Comprehensive Plan Text Amendment to FLUE Policy 1.2.3, which states, "For the 230 +/- acres changed from Agriculture to Rural 1 by Ordinance No. 2009- only 23 single family homes may be constructed. The construction of all buildings shall be in compliance with the Florida Energy Efficiency Code. All residences shall be built to Energy Star Standards. Construction to such standards shall be confirmed by inspection and certification by Wakulla County building officials." The proposed number of dwelling units, per this Text Amendment, is half that of the total allowed by the proposed Rural 1 land use. The inclusion of construction standards meeting environmentally conscious measures is viewed by staff as a positive direction towards addressing the State's concerns. Therefore, staff has found the proposed Text Amendment to be a suitable compromise to allow the applicant to retain their development rights while protecting the environment and maintaining the character of the area.

Options:

1. Conduct a Public Hearing and vote to adopt the proposed Comprehensive Plan Amendment, amending the Future Land Use Map designation from Agriculture (Primary Agriculture) land use to Rural 1 (Agriculture/Rural Fringe) land use and adopting the proposed Text Amendment to FLUE Policy 1.2.3, 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 Agriculture (Primary Agriculture) land use designation and not adopting the proposed Text Amendment to FLUE Policy 1.2.3, 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 CP07-12 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 07-12. Additionally, staff noted that the Subject Property does contain

active gopher tortoise burrows and other potentially environmentally sensitive areas, such as flood prone areas. Staff also noted that the requested Rural 1 land use designation is generally compatible with the limited development, rural nature of the area, pursuant to Policy 1.2.3 of the Future Land Use Element of the Comprehensive Plan.

As previously noted in the Additional Issues section, if future traffic analysis indicate that traffic resulting from the Amendment 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. 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. Contact List
13. Letter from Citizen
14. Maps
15. 2007 Agenda Request
16. FLUM Policy 1.2.2 and 1.2.3
17. Section 5-25, LDC
18. Advertisement
19. State DCA ORC Report
20. Response to State DCA ORC Report
21. Draft Ordinance