

# 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 CP07-13  
(John and Janna Richardson, owners; Robert Routa, agent)

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### **Statement of Issue:**

This agenda item provides the Board with an Application for a Large Scale Comprehensive Plan Map Amendment (the Application) from Agriculture (Primary Agriculture) to Rural 1 (Agriculture/Rural Fringe), on a parcel located at 196 Thornwood Road (Attachment 1).

### **Background:**

This Application requests a Map Amendment from the existing Agriculture (Primary Agriculture) to Rural 1 (Agriculture/Rural Fringe) land uses. Per the warranty deed and sketch, this property is a 20.52+/- acre parcel located on the north side of Thornwood Road across from Greenlea Drive (Attachment 2). The applicants have expressed an intention to divide the property if the Map Amendment is approved and sell half of it to a friend.

**Technical Review Committee (TRC):** On July 19, 2007, the Application was reviewed and the file was noted to be complete. Staff had no additional comments at that time.

**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. No citizen comments were made regarding the Application. The Commission voted to recommend approval of the item 4-2.

**BOCC:** The Board of County Commissioners heard this request at their October 6, 2008 Public Hearing. The agent for the applicants was present to address the Board on this issue. Like the Planning Commission hearing, no citizens spoke on the item. At the close of the Public Hearing, the Board voted unanimously to transmit the Application to the State Department of Community Affairs (DCA).

**State DCA:**

The State DCA, in conjunction with other State agencies, reviewed the Application and submitted their list of Objections, Recommendations and Comments (ORC) Report on the project to the County on January 3, 2009 (Attachment 18). The ORC Report did not include any objections, recommendations or comments on this project. Therefore, additional materials or changes to the Application were not provided by the applicants.

**Analysis:**

**Comprehensive Plan:**

The Future Land Use Map (FLUM) designation for the property is Agriculture. Agriculture 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 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, 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.

As shown in the chart below, the potential residential units on the Subject Property would increase from one (1) to two (2) as a result of this Map Amendment being adopted. Thus, the potential units would double if this Amendment was approved.

| 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                                                  | 1                           | N/A                             |
| Rural 1 (Proposed land use)            | 1 unit/10 acres with dirt road<br>1 unit/5 acres with paved road | 2                           | N/A                             |

**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 also allows agriculture zoning, in addition to residential and preservation districts. Rural 1 does not allow for any commercial activities.

**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.

A small wetland is present on the southeast corner of the Subject Property and it is classified as a karst feature. Therefore, a one hundred foot buffer will be required around this feature at the development stage.

**Adjacent Parcels:**

Abutting parcels are designated Agriculture, Conservation and Rural 2. 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. Conservation is a use that allows silviculture, forestry activities, public recreation and very limited residential if water and habitat protection are provided. Rural 2 allows for a few residential zoning districts, and allows limited commercial. Residential development is allowed in this designation at one dwelling per five acres with an on-site well, and one dwelling per every two acres with a central water connection.

**Compatibility:**

The proposed Rural 1 designation would be compatible with the Rural 2 land use that abuts to the south, as the Rural 2 represents an area of higher density than the proposal. The other sides of the property abut the Agriculture land use, which is the same as the applicant's parcel. While not abutting the Subject Property, Rural 1 is also found to the east of the parcel. Per Comprehensive Plan Policy 1.2.3(1) 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 this area to fit this 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 16).

**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).

A traffic generation report was prepared by the applicants that shows no adverse or significant impact on roadways surrounding the project (Attachment 9).

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. Due to the Florida Department of Community Affairs' "hold" on Comprehensive Plan Amendments at that time, the applicants requested a continuance of this item until Map Amendments were allowed to be processed again (Attachment 13). Once the "hold" was lifted the Application was brought forward to the October 6, 2008 Public Hearing, as outlined above.

**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, based upon 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 to not adopt the proposed Comprehensive Plan Amendment, retaining the existing Agriculture (Primary Agriculture) 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 #1** The Board of County Commissioners voted to transmit application CP07-17 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. At that time, staff noted that the Subject Property does contain active gopher tortoise burrows and other potentially environmentally sensitive areas; such as flood prone areas. Additionally, staff noted that the requested Rural 1 land use designation is generally compatible with the limited development, rural nature of the area, pursuant to Policy 1.3.2 of the Future Land Use Element of the Comprehensive Plan.

**Attachment(s):**

1. Application 1/1
2. Deed/Legal Description 2/2
3. Letter of Authorization 1/1
4. Sketch 1/1
5. Need 3/3
6. Narrative and Location 2/2
7. Consistency 3/3
8. Environmental Assessment 6/6
9. Traffic 1/1
10. Schools 1/1
11. Contact List 1/1
12. Maps 2/2
13. 2007 Agenda Request
14. FLUM Policy 1.2.2 and 1.2.3
15. Section 5-25, LDC
16. Advertisement
17. Site Photos
18. State ORC Report
19. Draft Ordinance

[LS/mc]