

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 CP07-17
(S.A. and Linda Coxwell, owners; 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 1 (Agriculture/Rural Fringe) and Rural 2 to Commercial (Non-Urban) and Rural 3 (Rural Residential), on a parcel located off of Crawfordville Highway. In addition, the Application contains a Comprehensive Plan Text Amendment to FLUE Policy 1.2.7, Commercial Land Use, to place a maximum commercial square footage on the property.

Background:

This application requests a Map Amendment from the existing Rural 1 (Agriculture/Rural Fringe) and Rural-2 land use to Commercial (Non-Urban) and Rural 3 (Rural Residential) land uses. A mixed use development plan, including restaurants and residential is conceptually proposed for the property at this time. This property is a 34.93+/- acre parcel located on the east side of Crawfordville Highway, due south of the intersection of Crawfordville Highway and Whitlock Way (Attachment 1).

Technical Review Committee (TRC):

On July 17, 2008, the application was reviewed and the applicant received staffs' request for a copy of the recorded warranty deed and Linda Coxwell's signature on the application to complete the file. In addition, a letter regarding the presence of historical sites from the Department of State (DOS) was requested as well. Also, several suggestions to the narrative were supplied by staff. These included updating the information regarding the status of the County's Evaluation and Appraisal Report and the Public School Facilities Element. The suggestions also discussed inaccuracies in the site's FEMA flood information. These items were addressed by the required deadline. However, it is noted for the record that the applicant chose not to provide the historical sites letter from the DOS. The Historical Sites map from the Comprehensive Plan was provided instead. The Commission considered the application at its September 8, 2008

Planning Commission: Public Hearing. The agent and other professionals representing the project were on hand to make a presentation and answer questions. One citizen spoke in favor of the application, while no members of the public expressed opposition. The Agenda Request presented to the Planning Commission from Planning and Zoning staff recommended denial of this application, as the site does not meet requirements of Policy 1.2.7(4)(e), and concern over the need for additional lands designated for commercial development within the Crawfordville Highway corridor. The Commission voted to recommend approval of the item 4-2, with two members abstaining from the vote.

BOCC: 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 11). 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 adopted Level of Service (LOS) standard for US 319.

Analysis:

Comprehensive Plan:

The Future Land Use Map (FLUM) designations for the property are Rural 1 and Rural 2. While Rural 1 is limited to residential development only, the Rural 2 designation allows for commercial development and residential at lower densities.

Commercial, one of the proposed designations in the present application, allows for commercial development only within one mile of the intersection of two arterial roads or an arterial and collector roadway per Policy 1.2.7(4)(e). This property does not meet this requirement when reviewed against the "Future Land Use Map Series "2000 Future Traffic Circulation Map" of the Comprehensive Plan. However, it should be noted that this Map was created in 1990 and map amendment approvals within the County appear to have not historically followed this Map. Staff strongly recommends that this map be amended as part

of the EAR Amendment process.

The other proposed map amendment designation requested is Rural 3. This allows for residential and commercial uses. Residential is allowed at one unit per acre with central water and sewer services (Attachment 2). The sixteen (16) acres proposed for a change to Rural 3 currently have approximately 5.29 of the acres designated Rural 2 and 10.71 acres lying in the Rural 1 land use. Therefore, at this time this portion of the property would be eligible for a total of four (4) dwelling units. Should the map amendment be approved this portion of the Subject Property would be eligible for 16 dwelling units, which represents a three hundred percent (300 percent) increase over the current allowance.

Development Potential Comparison Chart			
Land Use	Maximum Residential Density Allowed	Potential Residential Units	Maximum Non-Residential Allowed
Rural 1 (Existing Land Use)	1 unit/10 acres <u>with dirt road</u> 1 unit/5 acres with paved road	2 (staff estimates 14.49 acres are currently located in this land use)	N/A
Rural 2 (Existing Land Use)	1 unit/5 acres <u>with well</u> 1 unit/2 acres with central water	10 (staff estimated 20.44 acres are currently located in this land use)	Maximum Floor Area Ratio (FAR) of 0.15 & 15,000 s.f. maximum for individual activities
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	16 (Easternmost 16 acres proposed for Rural 3)	Maximum Floor Area Ratio (FAR) of 0.15 & 15,000 s.f. maximum for individual activities
Commercial (Proposed Land Use)	N/A	N/A	Maximum Floor Area Ratio (FAR) of 0.50 with central sewer and water or 0.25 without central services

**Land Development
Code:**

The current zoning districts for the property are RR-1 and Agriculture. The RR-1 zoning district allows for the construction of site-built, single family homes and the installation of mobile homes. This district allows for a density of 1 dwelling unit per acre of land. It does not allow for any commercial development. 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 (Attachment 3).

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 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 on the eastern half of the Subject Property, while the C zone is located on the west side, along US 319.

Staff completed a site visit on July 29, 2008. Currently, the site has several single-family residences on the property. A 1.42 acre wetland is present on the Subject Property in addition to a karst feature, which is located on the North side of the parcel halfway between US 319 and Lonnie Raker Lane (Attachment 4).

Adjacent Parcels:

Abutting parcels are designated Rural 2, Rural 1 and Commercial. Rural 2 allows for limited commercial zoning districts and several residential zoning districts. Rural 1 allows for a few residential zoning districts, but disallows commercial. The Commercial designation allows for commercial retail and office districts, but does not allow for residential zonings districts (Attachment 5).

Compatibility:

The proposed Commercial designation would be compatible with the parcel immediately to the west, as this is already designated Commercial. Rural 2 and Rural 1 are located to the north and south of the Subject Property respectively, and are intended for lower density residential and limited commercial activities, which are not generally compatible with large scale commercial activities allowed in the

Commercial land use designation.

There is currently no Rural 3 in the immediate vicinity. This property's current Agriculture zoning is consistent with the Rural 1 and Rural 2 FLUM land use requirements, but the RR-1 is inconsistent with these designations.

It should be noted that the westernmost portion of this property lies within the Enterprise Zone. While the exact distance this designation extends into the Subject Property is unclear from currently available maps, staff estimates that the westernmost five hundred and fifty (550) feet are included. 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. As the proposed Commercial land use encompasses the westernmost nine hundred and sixty (960) feet of the Subject Property, it appears that the potential commercial area extends beyond the approved Enterprise Zone.

Public Notification:

This request has been noticed and advertised in accordance with the provisions of the Wakulla County Land Development Code. To date, the Planning Department has not received any written responses to the advertisement. 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:

Narrative and traffic generation reports have been provided by the applicants to support their request. The narrative provides details on all aspects of the Subject Property and the impacts the proposal will have. In addition, a traffic generation report was prepared by Genesis Group that shows no adverse or significant impact on roadways surrounding the project (Attachment 7).

After staff review of the Commercial Needs Analysis provided by the Applicant, it was noted that only Commercial Land Uses were reviewed and accounted for in calculating the total amount of commercial development in the County. This does not take into account the amounts of commercial within the Rural 2 and Urban Land Uses, which

is where most of the County's commercial uses are located.

As previously noted, the DCA issued an ORC report for CP07-17, 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, a letter from Talquin Electric Cooperative, Inc., dated September 15, 2008, is hereby noted to show the utility's commitment to providing this infrastructure to the Subject Property (Attachment 12). 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 13).

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. The original application provided a traffic analysis which did not indicate a significant negative impact to US 319. At the final plat and site plan phases of the project a traffic analysis will be required to verify the proposed development's impact to the surrounding traffic network. It should be noted that if development is shown to exceed the LOS at that time, then a Proportionate Fair Share contribution will be required from the property owner per the Transportation Concurrency Management System requirements of the County code.

The applicant has proposed a Text Amendment to Future Land Use Element (FLUE) Policy 1.2.7, Commercial Land Use, to place a maximum commercial square footage allowance on the proposed development so that potential traffic impacts will be reduced. The proposed language included in the Text Amendment is as follows:

“(5) On the 18.93 acres designated Commercial by Ordinance No. 2009- , not more than one hundred five thousand (105,000) square feet in floor area may be utilized for commercial use.”

Staff has considered the standard square footage allowance for a commercial use on the Subject Property should no restrictions be applied. This standard allowance was derived from FLUE Policy 1.2.7(3)(a), which states “Non-residential development shall be allowed at a maximum floor-area ratio (FAR) of 0.50 where central water and

sewer (including package plants) are available ...". When applying this policy to the 18.93 acres of the Subject Property proposed for the Commercial land use, it equates to 9.465 acres of space available for commercial development or 412,295 square feet of commercial floor area.

Staff's analysis determined the potential commercial square footage for the Subject Property has been decreased by seventy-five (75) percent through the proposed Text Amendment. Staff feels the commercial square footage limitations created in the Text Amendment will significantly reduce the potential traffic impacts to the surrounding roadway network as compared to that resulting from the standard square footage allowance. In addition, the Text Amendment does not create any inconsistencies with the Comprehensive Plan. For comparison purposes, the Wal-Mart building contains 198,989 total square feet and the Winn-Dixie building contains 50,852 square feet. Thus, the total commercial square footage proposed for the Subject Property, 105,000, would fall in between the two aforementioned commercial structures.

Options:

1. Conduct a Public Hearing and vote to adopt the proposed Comprehensive Plan Amendment, amending the Future Land Use Map designation from Rural 1 (Agriculture/Rural Fringe) and Rural 2 land use to Rural 3 (Rural Residential) and Commercial (Non-Urban) land use and adopting the proposed Text Amendment to FLUE Policy 1.2.7, 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 not to adopt the proposed Comprehensive Plan Amendment, retaining the existing Rural 1 (Agriculture/Rural Fringe) and Rural 2 land use designations and not adopting the proposed Text Amendment to FLUE Policy 1.2.7, 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 CP07-17 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 September 8, 2008, Planning Commission meeting, staff recommended denial for this Comprehensive Plan Map Amendment CP 07-17. The proposed Commercial land use is consistent with the property to the west of the same land use. However, the site does not meet the requirements of Policy 1.2.7(e), which requires the Commercial land use designation to occur within one mile of the intersection of two arterial roads or an arterial and collector road. The 2000 Future Traffic Circulation Map, which was adopted into the Comprehensive Plan and shows roadways classified as arterial and collectors within the County, does not designate the required type of intersection within one mile of the Subject Property. However, staff notes that this map is significantly outdated and in need of revision, as many land use approvals do not appear to have followed this map when determining the acceptability of the proposed land use change. Staff notes that the map will likely be updated as part of the upcoming Evaluation and Appraisal Report based Comprehensive Plan Amendments.

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. 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, or identified concurrent with the Proportionate Fair Share payment, in the Capital Improvements Element of the Comprehensive Plan. Due to these outstanding issues regarding traffic impacts, staff is recommending Board Direction at this time.

Attachment(s):

1. Location Map
2. FLUM Policy 1.2.3, 1.2.4, 1.2.7 and 1.2.12
3. Section 5-25 and 5-27, LDC
4. Site Photos
5. FLUM Policy 1.2.3, 1.2.4 and 1.2.7
6. Advertisement
7. Narrative
8. August 29, 2008 Letter from Agent
9. Comprehensive Plan "2000 Future Traffic Circulation Map"
10. Planning Commission Minutes
11. State DCA ORC Report
12. Letter from Talquin Electric Cooperative, Inc.

13. December 18, 2008 Letter from Agent and Supporting Documents
14. Draft Ordinance

[LS/mc]