



July 17, 2019

Mr. Don Neu  
NeuMorris, LLC  
6997 Professional Parkway East, Suite B  
Sarasota, FL 34240

**Re: Application for Comprehensive Plan Amendment (CPA 2018-C), a privately-initiated amendment to VOS Policy 1.2B that triples the density incentive for the Hamlet Land Use form by doubling the allowed residential density within the Hamlet Developed Area from 1 dwelling unit per acre to 2 dwelling units per acre for those lands where the owners have entered into a public utility extension agreement with the County.**

Dear Mr. Neu;

Application CPA No.2018-C was filed with the County on March 26, 2019, by agent Don Neu of NeuMorris LLC on behalf of the North Fruitville Hamlet Utility Group (NFHUG). It is a privately initiated Comprehensive Plan Amendment submitted pursuant to Chapter 94, Section 94-84 of the County Code. Privately initiated Comprehensive Plan Amendments require Sarasota County Commission (Board) authorization prior to being fully processed outside of the annual cycle, which was obtained by this applicant on January 29, 2019. One of the initial steps requires the applicant to hold a public workshop on the proposed amendment prior to making a formal application, and this workshop was held by the applicant on January 24, 2019. The Planning Commission is required to hold a public hearing on the CPA and make a recommendation to the Board.

The Development Review Coordination (DRC) staff issued a letter dated April 22, 2019, finding the initial application insufficient as related to Long Range Planning, Transportation Planning, and Environmental Protection. The applicant provided a 2<sup>nd</sup> submittal on June 14, 2019, responding to said DRC determination letter. Having reviewed the material included with the 2<sup>nd</sup> submittal, the listed agencies below hereby provide the following comments at this time:

**PLANNING SERVICES / LONG RANGE (William Spaeth) 861-5207, [wspaeth@scgov.net](mailto:wspaeth@scgov.net)**

Fundamentally, the optional 2050 Plan was adopted to address how the County would accommodate the projected need for residential dwelling units while protecting the open spaces/environmental features that existed within the eastern portion of the County. The requested change being proposed by this application increases the residential density and intensity from that currently possible under the existing Hamlet Land Use policies and regulations. The lands involved are designated for Hamlet Land Use on "Map 8-3 RMA-3: Village/Open Space RMA Land Use Map from Sarasota 2050 Plan". The optional Resource Management Area (RMA) system established by the 2050 Plan is an incentive-based set of policies for managing growth in the County out to the year 2050.

The Long Range Planning staff comments are provided as related to the application as follows:

**Part One** – Goals, Objectives and Policies that the applicant was required to address within this application for a change in 2050 Plan policy;

**Part Two** – Goals, Objectives and Policies that were identified by the applicant as related to this application;

**Part Three** – Goals, Objectives and Policies that the applicant initially provided a statement for and then responded to initial staff comments with the 2<sup>nd</sup> submittal; and

**Part Four** – Specific questions the applicant was asked to respond to related to this requested change in policy and applicant responses provided with the 2<sup>nd</sup> submittal.

### **Part One**

The Development Review Coordination (DRC) staff Pre-application Conference review indicated that, at a minimum, the following 2050 Plan policies were to be adequately addressed within the formal application for a Comprehensive Plan amendment related to this type of requested change. This entails providing data and information that:

1. Indicates how the policy is specifically impacted by the requested change; and
2. Indicates how the requested change specifically furthers the stated policy.
  - RMA Policy 1.1 calls for the implementation of the RMA system “as an entire package”, indicating that individual elements should not be separated out and applied in a selectively advantageous manner.
  - VOS Objective 1.1 states that the 2050 Plan is “to prevent Urban Sprawl by guiding development of lands outside the Urban Service Area into compact, mixed-use, pedestrian friendly Villages within a system of large areas of permanent Open Space.”
  - VOS Policy 1.2.B sets forth a preferred size for Hamlets as being 50 to 150 dwelling units with a maximum size of 400 dwelling units.
  - VOS Policy 2.9 on fiscal neutrality for Villages and Hamlets.
  - VOS Policy 2.10 on Financial strategy for infrastructure development and maintenance.
  - VOS Objective 3.0 states that the 2050 Plan is “to ensure that adequate public facilities and services are available to serve development within the Villages/Open Space RMA.”
  - VOS Policy 5.3 on constrained roadways.

**Staff Comment:** The above 2050 Plan policies were not addressed within the initial formal application for CPA-2018-C.

**6/14/2019 Applicant Response:** This proposal does consider the 2050 Policies in their entirety. The following responses address individual and cumulative need for this request and specific revisions. The request is narrow in scope in that it is specific to the North Fruitville Hamlet area. The request is based on the shortfall of the original goals and density targets of 2050. Specifically, in response to each of your referenced policies.

**Staff Comment on 6/14/2019 Applicant Response:** Making a statement that “this proposal considers the 2050 Policies in their entirety” does not address the policies when no specifics are presented in support of such a statement. Addressing the “individual and cumulative need for this request” again needs to be supported by actual evidence and facts presented by the applicant. The request is not “narrow in scope ... to the North Fruitville Hamlet area” because it is a text amendment to policy VOS 1.2B that applies to all Hamlet Land Use designated lands of the 2050 Plan. The statement that the “request is based on the shortfall of the original goals and density targets of 2050” presents the primary foundational claim for this application, however it requires evidence and facts to be presented by the applicant in order to substantiate such a claim.

**6/14/2019 Applicant Response to RMA Policy 1.1:** The request is specifically in response to changes that have been made to 2050 by previous approvals. The changes approved by the BCC have caused the need to react to the changes in the TDR process and to meet the demands of overall densities. The change from the original size and scope of the two approved Villages has caused the need to revise the

Hamlet requirements to more adequately meet the overall goals of 2050, therefore this request is not separating out any requirements in a selective manner.

**Staff Comment on 6/14/2019 Applicant Response:** The applicant states that the proposed amendment is necessary due to the previous County approvals for 2050 Village Planned Development projects having a lower residential density level, which is one of the primary arguments being put forth to support the application's primary foundational claim. It is a correct characterization of the County approvals for the initial 2050 Village projects, which are at the lower residential density level scenario contemplated by the 2050 Plan. However, the applicant goes on to make the assertion that this will result in the 2050 Plan not being capable of achieving its original goals. The 2050 Plan contemplated three possible residential density level scenarios (low, medium, and high), and the approved 2050 Villages to date are at the low level. This fact does not automatically lead to the conclusion that the 2050 Plan goal will not be achieved, which primarily involves achieving a specified number of new DUs within unincorporated Sarasota County by the year 2050. The applicant continues with the assertion that a proposed increase in the residential capability of the Hamlet Land Use designated lands is needed to make up for this perceived shortfall in residential density within the approved 2050 Villages. This assertion is not supported by evidence and facts presented by the applicant within the application.

Secondary to the above is the applicant's assertion that due to the approved lower 2050 Village residential density, there is a reduced demand for the Transfer of Development Rights (TDRs) that were planned to be available from the Hamlet Land Use designated lands. There is no disputing the fact that the lower residential density level being approved within 2050 Villages reduces the potential demand for Hamlet TDRs. The applicant further asserts that this reduction in demand for Hamlet derived TDRs eliminates an economic mechanism established by the 2050 Plan that could have assisted with the extension of utilities out to the Hamlet Land Use designated lands. Again, given a reduced demand for TDRs, it is recognized that the ability to achieve an economic benefit from their sale is reduced, however there is no evidence presented that would indicate that this was a guaranteed benefit of the 2050 Plan for the Hamlet areas.

**6/14/2019 Applicant Response to VOS Objective 1.1:** Our request is specifically designed to prevent Urban Sprawl. The allowance of onsite generated units to be used onsite to achieve a desirable density to eliminate Urban Sprawl. One of the major components of sprawl is lack of urban utilities. Our proposal is specifically to allow for the economic feasibility of providing sanitary sewer to eliminate inefficient use of the land and prevent Urban Sprawl. Further, the availability of sanitary sewer will certainly improve water quality that can be caused by Urban Sprawl.

**Staff Comment on 6/14/2019 Applicant Response:** The applicant's statement that doubling the number of residential DUs allowed within the Hamlet Land Use designated lands "is designed to prevent Urban Sprawl" is not supported by the evidence provided within the application. The suggestion that the "lack of urban utilities" is a major component of urban sprawl fails to be supported by the State of Florida's definition for Urban Sprawl, which in fact indicates that "the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses" are specified elements of urban sprawl. This requested change could be more associated with these elements of urban sprawl than with preventing it. Evidence to the contrary has not been included within the application.

**Staff Comment on 6/14/2019 Applicant Response to the following Objectives and Policies where the applicant states "We are not requesting any changes to those Policies":** The request for the applicant to specifically address how each of these Objectives and Policies is impacted by the requested change and how that impact might be mitigated or how the objective or policy will be furthered by the

requested change is not answered by such a statement. This is a major policy change being requested, and all concerns need to be adequately researched and analyzed in order for there to be an informed decision on the merits of such an application. This application fails to meet this requirement.

**6/14/2019 Applicant Response to VOS Policy 1.2B:** We are not requesting any changes to those Policies.

**Staff Comment on 6/14/2019 Applicant Response:** This policy establishes a 400 DU cap for each Hamlet, which functionally results in each Hamlet only requiring 500 acres at the requested residential density of 2DU/Developed Area acre. The resulting amount of open space associated with each DU is cut in half as demonstrated by the straightforward calculation:

$$60\% \times 500 \text{ acres} = 300 \text{ acres of open space with 200 acres of Developed Area having 400 DUs}$$

This is a major reversal of the 2050 Plan's vision for maintaining an eastern open space corridor east of the Countryside Line.

**6/14/2019 Applicant Response to VOS Policy 2.9:** We are not requesting any changes to those Policies.

**Staff Comment on 6/14/2019 Applicant Response:** This policy establishes the mandate that both the Village and Hamlet Land Uses be fiscally neutral to the County. A full impact analysis is not currently required for the Hamlet form of 2050 development given the anticipated impact from a residential density of 0.4DU/acre. Doubling this residential density to 0.8DU/acre brings this form of development much closer to that of the approved Village forms at 1.3DU/acre. The application fails to address all of the public services that would potentially result from such an increase, nor does it address how the requirement for the Hamlet form of development will be fiscally neutral at the requested density.

**6/14/2019 Applicant Response to VOS Policy 2.10:** We are not requesting any changes to those Policies.

**Staff Comment on 6/14/2019 Applicant Response:** The full impact of this request on this policy "requiring a financial strategy to construct and maintain all required infrastructure" is difficult to assess given the lack of information provided within the application in response to VOS Policy 2.10.

**6/14/2019 Applicant Response to VOS Objective 3.0:** We are not requesting any changes to those Policies.

**Staff Comment on 6/14/2019 Applicant Response:** The full impact of this request on this policy "to ensure that adequate public facilities and services are available to serve development within the Villages/Open Space RMA" is difficult to assess given the lack of information provided within the application in response to VOS Policy 2.10.

**6/14/2019 Applicant Response to VOS Policy 5.3:** In accordance with our meetings with Planning and Transportation staff, we are in compliance with this policy. This proposal is for the entire North Fruitville Hamlet area which updated responses have been attached on the updated Consistency with Adopted Comprehensive Plan documentation.

**Staff Comment on 6/14/2019 Applicant Response:** The application does not address the impact on Fruitville Road from Sarasota Center Blvd. to Sinclair Drive, which is not a constrained roadway segment under this policy. It is a 2-mile segment of Fruitville Road that will be impacted by the applicant's request. No alternative transportation solution to this impact has been proposed.

## Part Two

The initial application included a copy of many Comprehensive Plan goals, objectives and policies (25 pages) without any explanation as to how each of them were supportive or counter to the request to triple the density

incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development. The 2<sup>nd</sup> submittal included a number of applicant justification statements.

### **Chapter 7 – Future Land Use Goal 1**

*Maintain a Future Land Use Map (FLUM) that depicts the location of the various land use categories based upon the environmental characteristics and transportation network of the county.*

**6/14/2019 Applicant Justification pursuant to FLU Goal 1:** As required per the Sarasota County Unified Development Code, all development is mandated to be consistent with the Comprehensive Plan. In the event that properties located within the Hamlet Area have interest in providing additional density, participation in the North Fruitville Master Utility Plan will be required to ensure that all growth in the area is properly manageable and able to operate in a more holistic approach that will include the environmental characteristics and transportation networks. In doing so, ultimately the compatibility will be maintained with the existing and future developments located within the defined area of Hamlets.

Just to further explain in detail, properties in the Hamlet area were purchased with the intent of developing 5 acre ranchettes. In which, approvals from Sarasota County, SWFWMD & ACOE for the first phase of some 130 units was granted. While in the process of staking out the lots for model homes, the County launched the 2050 plan. At which during this time of the 2050 plan being in acted, the ranchette developments were still pursuing future phases. However, after being granted recommendation for approval by the Planning Commission to rezone property for the future ranchettes, the BOCC denied the proposal. The reason given for such denial was to have the land, built as 2050 Hamlets in means of avoiding urban sprawl and to have the unsafe condition of Fruitville Road addressed before creating additional trips.

In response to such changes to the Comprehensive Plan and concerns of having a safe roadway, many of the landowners on the northside of Fruitville Road donated the required ROW easements to avoid impacts to the 5 acre ranchettes on the south side. In doing so, along with the surtax funds, the road was elevated and widened to address previous safety and drainage issues. As subsequently noted, many land owners pursued the 2050 development plan which resulted in significant changes to the original 2050 plan. In saying so, though Fruitville Road was improved with the donated land from northside property owners, it is constrained to 2 lanes. This mandated constraint does not respect the rights of current residents, regardless of any future developments.

Lastly, as for the environmental characteristics, the properties located east of the County Side line are high and dry with good soil and limited wetlands. With such finding, it represents the only aggregation of land of significant size for development in the northern part of the County.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification restates the request being made with this application, and then follows that up with a description of historical zoning and infrastructure development activity on a portion of the Hamlet designated lands. This information fails to provide supportive evidence as to why the Hamlet designated lands should be allowed to triple the density incentive by doubling the residential DUs within the Developed Area. The last portion of the justification states that this applicant's property is on the east side of the Countryside Line and that it is "high and dry with good soil and limited wetlands" without submitting any third-party analysis establishing this as a fact. While it is straightforward that the applicant's property is east of the Countryside Line and "represents the only aggregation of land of significant size for development in the northern part of the County", this does not establish a basis for granting this request.

### **FLU Policy 1.2.8**

*All future development shall be consistent with the detail master plans for each drainage basin as they are adopted through the Basin Master Planning Program.*

**6/14/2019 Applicant Justification pursuant to FLU Policy 1.2.8:** In coherence with the adopted Basin Master Planning program, the drainage details will be provided at the time of preparing for the development of the land.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification fails to provide any evidence related to why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this.

**FLU Policy 1.2.11**

*Develop a comprehensive mobility strategy that includes but is not limited to:*

- *Multi-modal land use planning to ensure that new developments and existing neighborhoods maximize the potential of non-automotive (e.g., transit, walking and bicycling) access to a broad range of land uses and to encourage inter-neighborhood connection;*
- *Land Use planning and incentives for concentrating intensive land uses around existing public and private infrastructure so as to take advantage of the value of such investment;*
- *Transit-oriented and active living design guidelines to help guide new development and redevelopment;*
- *Design requirements for integrating transportation facilities into neighborhoods as amenities so as to enhance the character of the neighborhoods and minimize the impacts; and*
- *Support for the development and redevelopment of viable and lively civic spaces, parks, square, plazas, and other public gathering places, tied to transit and accessible by multiple modes of transportation for residents of existing and new neighborhoods.*

**6/14/2019 Applicant Justification pursuant to FLU Policy 1.2.11:** Based on the existing shift in subject market, the proposed text amendments to the Hamlet policies and regulations advises to completely embrace and take advantage of existing benefits. The reference benefits to name a few is that this segment of Fruitville Road will experience a reduction in vehicular dependency by use of alternative modes of transportation while maintaining the rural context.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification is not supported by any evidence submitted with this application. The traffic analysis suggests that extensive congestion shall be contributed to by the additional DUs. There are no "alternative modes of transportation" incorporated within the proposed Comprehensive Plan text amendment.

**FLU Policy 1.3.1**

*The Sarasota County Zoning Regulations shall set forth a hierarchy of zoning districts and associated buffering/open space requirements, based on the density and intensity of permitted uses, for the purpose of establishing appropriate development ratio standards commensurate with the parcel size and compatibility with adjacent uses.*

**6/14/2019 Applicant Justification pursuant to FLU Policy 1.3.1:** In means of leading diversity to effectively offset increase in density and intensity when adjacent to different land uses in accordance with the Hamlet uniqueness to existing environment is taken into account. Therefore, based on the proposals to synergies uses the benefit of encouraging high quality design by provided greater flexibility.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification fails to establish a specific connection to FLU Policy 1.3.1 and fails to provide any evidence related to why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this.

**FLU Policy 2.3.6**

*Appropriate densities within each density range shall be determined, in part, by the land uses and land use designations surrounding the parcel. Generally, densities at the higher end range will be most appropriate next to residential development or designations of comparable or higher density and intensive non-residential land uses or land designations such as commercial, office, professional and institutional uses.*

**6/14/2019 Applicant Justification pursuant to FLU Policy 2.3.6:** As explained in the Project Narrative, given the growth of this area, focus is found to be directed at encouraging density that will create a complete community in the northern portion of the County. This encouragement is to carefully incorporate compatible existing uses in developing the Hamlets. This initiative is to offer allowance of a distinction along with a diversified landscape that will be firmly built within the necessary guidelines.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification fails to establish a specific connection to FLU Policy 2.3.6 and fails to provide any evidence related to why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this.

**FLU Goal 3**

*Encourage development where public facilities are provided or schedule to be available.*

**6/14/2019 Applicant Justification pursuant to FLU Goal 3:** In speaking with the County Utilities department, there is an option for a utility extension agreement to satisfy addressing the required infrastructure. Therefore, adequate water and wastewater services will be provided upon development that is participating with the North Fruitville Master Utility Plan.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification that "adequate water and wastewater services will be provided" fails to establish why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this.

**Village/Open Space RMA**

*The Village/Open Space RMA is a land use overlay as depicted in Map 8-1, RMA-1, the Resource Management Areas Map, which provides an opportunity for a new form of development outside the Urban Service Area Boundary as an alternative to Urban Sprawl. The intent of this new form of development is to prevent the need for the further extension of the Urban Service Area in North County which may result in incremental sprawl. This new form of development is regulated through two mixed-use land use designations, (Villages and Hamlets) as depicted on Figure RMA-3, Village/Open Space RMA Land Use Map. Each of these development types is designed to avoid the negative impacts of Urban Sprawl by minimizing infrastructure costs, traffic congestion, and environmental degradation.*

**6/14/2019 Applicant Justification pursuant to Village/Open Space RMA:** The proposed text amendments to the Hamlets RMA, furthers and supports opportunity to address development pattern established in this designated area that necessitates additional density for those participating in the North Fruitville Master Utility Plan in a form of cluster development. Inevitably, this is a proposed update to reflect mixed land use pattern within the Hamlet RMA.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification fails to establish a specific connection to the Village/Open Space RMA and fails to provide any evidence related to why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this.

**HOU OBJ 1.6**

*Strive to fulfill the County housing needs while promoting a sustainable, compact community.*

**6/14/2019 Applicant Justification pursuant to HOU OBJ 1.6:** As the proposed increase in housing density intensification within a clustering manner, this certainly represents the development type typically described as a Hamlet area. Overall there are demands for an environment that fosters sustainability, which includes non-vehicular options that provides for efficient and relevant housing choices.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification fails to establish a specific connection to HOU OBJ 1.6 and fails to provide any evidence related to why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this.

**ENV OBJ 1.3**

*Preserve a network of habitat connectivity across the landscape that ensures adequate representation of native habitats suitable to support the functions and values of all ecological communities.*

**6/14/2019 Applicant Justification pursuant to ENV OBJ 1.3:** Per the goals mentioned in the 2050 Plan, its purpose is not to only protect the existing habitats and corridors, but to establish an opportunity for the corridors of the future. Therefore, the open space in the Hamlet area will allow protection and enhancement of the ecological functions currently and in the future.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification fails to establish a specific connection to ENV OBJ 1.3 and fails to provide any evidence related to why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this. Additionally, the proposal will reduce the amount of open space being provided per DU, which is counter to the objective.

**ENV Policy 1.3.3**

*Open space required through development review shall be configured to enhance or maintain on-site and adjacent off-site habitat connectivity that contributes to local and regional environmental greenways.*

**6/14/2019 Applicant Justification pursuant to ENV Policy 1.3.3:** Upon the Hamlet lands being developed, a configuration layout for environmental management purposes will be designed with future continuity consideration being applied as well. At which time, buffers will be sought to establish future connectivity while considering current conditions of open space that is not protecting habitat.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification fails to establish a specific connection to ENV Policy 1.3.3 and fails to provide any evidence related to why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this. Additionally, the proposal will reduce the amount of open space being provided per DU, which is counter to this policy.

**ENV Policy 1.3.6**

*Encourage the clustering of residential developments or the implementation of other measures to first avoid, then minimize and then mitigate adverse environmental impacts, whenever areas of significant native habitats are involved.*

**6/14/2019 Applicant Justification pursuant to ENV Policy 1.3.6:** The Hamlets will be designed with all homes clustered within the interior portion of the property. At the time of developing the Hamlet land,



if there are any grand trees identified, they will be protected by open space. Also, the existing and future habitats will be protected as well as the corridors that may perform a superior ecological function than the existing land does at this time.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification fails to establish a specific connection to ENV Policy 1.3.6 and fails to provide any evidence related to why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this. Additionally, the proposal will reduce the amount of open space being provided per DU, which is counter to this policy.

### **ENV Policy 1.3.7**

*Encourage the use of cluster and planned development that preserves and protects habitats in open space, and encourage development forms that provide enhanced open space preservation and protection of habitats in all zoning districts.*

**6/14/2019 Applicant Justification pursuant to ENV Policy 1.3.7:** The incentives for the Hamlets subdivisions is supported by this policy. In addition, the increase of units is supported by the encouragement of the protection of Open Space surrounding the perimeter of the Hamlet in the cluster development concept.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification fails to establish a specific connection to ENV Policy 1.3.7 and fails to provide any evidence related to why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this. Additionally, the proposal will reduce the amount of open space being provided per DU, which is counter to this policy.

### **ENV Policy 6.1.2**

*Acquire and physically link natural areas into a contiguous system or otherwise protect environmentally significant lands through a voluntary program (Environmentally Sensitive Lands Protection Program). Coordinate county resources with federal, state, and regional programs, not-for-profit organizations, and local conservation trusts. Priority is given to acquiring and otherwise protecting properties that are adjacent to or in close proximity to existing preservation and conservation areas and public resource lands, with emphasis on maintaining opportunities for a regional greenways system that may include a mix of flow ways, areas subject to flooding, native habitats, recreational trails and wildlife corridors.*

**6/14/2019 Applicant Justification pursuant to ENV Policy 6.1.2:** The interdependence will provide a permanent Open Space easement that will be a protective bond in the future for existing wildlife corridors and ecosystems. Where this is found to be in concern with the Comprehensive Plan, which established that it is an allowed density incentive.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification fails to establish a specific connection to ENV Policy 6.1.2 and fails to provide any evidence related to why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this. Additionally, the proposal will reduce the amount of open space being provided per DU, which is counter to this policy.

### **WATER Goal 2**

*Sanitary sewer service shall be provided to Sarasota County residents through the continual evolution of a centralized regional wastewater collection and treatment system, and shall be provided in a safe, clean, efficient, economical, and environmentally sound manner, concurrent with urban development.*

**6/14/2019 Applicant Justification pursuant to WATER Goal 2:** This area is set to be served by the County centralized sanitary sewer service. Please note, this criterion was found to be essential when considering the incentive of an increase in density. As its universally known that Urban Services are considered important factors in the efficient and orderly use of land to a desired density.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification fails to establish a specific connection to WATER Goal 2 and fails to provide any evidence related to why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this.

## **WATER OBJ 2.2**

*Maximize the use of existing and available central wastewater facilities and new facilities when they are constructed, and discourage urban sprawl.*

**6/14/2019 Applicant Justification pursuant to WATER OBJ 2.2:** The area will be served by the proposed services, which will be established through an agreement as discussed with the County Utilities department. Also, the incentive of an increase in density will discourage the demand of urban sprawl.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification fails to establish a specific connection to WATER OBJ 2.2 and fails to provide any evidence related to why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this. The premature extension of utilities that leap over extended open areas is considered to be one of the determining factors in identifying urban sprawl.

## **WATER Policy 2.2.1**

*The county shall continue to require new development to connect to central wastewater systems consistent with the requirements contained in the Land Development Regulations based on the size of the development and distance to the existing system, the available capacity in the system, and the utility's rules allowing connection to the system.*

**6/14/2019 Applicant Justification pursuant to WATER Policy 2.2.1:** This initiative demonstrates the suitable ability to connect to the County wastewater and potable water, which justifies an increase in density and compliance with the Comprehensive Plan Policies and Land Development Ordinances.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification fails to establish a specific connection to WATER Policy 2.2.1 and fails to provide any evidence related to why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this. The premature extension of utilities that leap over extended open areas is considered to be one of the determining factors in identifying urban sprawl.

## **WATER OBJ 2.5**

*Ensure that the issuance of development permits shall be conditioned upon adequate sanitary sewer service capacity.*

**6/14/2019 Applicant Justification pursuant to WATER OBJ 2.5:** Many of the Goals, Objectives and Policies are supported by location and appropriateness of the subject area, which further demonstrates the suitability for an increase in density. This increase in density is located where County Potable, Wastewater and Reuse Water will be available.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification fails to establish a specific connection to WATER OBJ 2.5 and fails to provide any evidence related to why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this. The premature extension of utilities that leap over extended open areas is considered to be one of the determining factors in identifying urban sprawl.

#### **WATER Policy 3.5.4**

*Potable Water Level of Service:*

1. *System capacity shall be based on 250 gallons per Equivalent Dwelling Unit per day based on peak flow plus the maintenance of minimum fire flow standards.*
2. *Minimum potable water quality shall be as defined by the U.S. Environmental Protection Agency, except where the State, or County may impose stricter standards.*

**6/14/2019 Applicant Justification pursuant to WATER Policy 3.5.4:** Many of the Goals, Objectives and Policies are supported by location and appropriateness of the subject area, which further demonstrates the suitability for an increase in density. This increase in density is located where County Potable, Wastewater and Reuse Water will be available.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification fails to establish a specific connection to WATER Policy 3.5.4 and fails to provide any evidence related to why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this. The premature extension of utilities that leap over extended open areas is considered to be one of the determining factors in identifying urban sprawl.

#### **VOS Policy 5.1 – Greenbelts**

*The purpose of establishing a Greenbelt around each Village and each Hamlet is to help define these as separate and compact communities. As part of the Open Space requirement for development within the Village/Open Space RMA, the Master Development Plan for each Village and each Hamlet shall establish a Greenbelt that is a minimum of 500 feet wide around the perimeter of the Developed Area that preserves Native Habitats, supplements natural vegetation, and protects wildlife within the area. Existing agricultural uses are permitted within this Greenbelt. New uses are restricted within this Greenbelt to Native Habitat and to low intensity agriculture and wetland mitigation that do not involve the conversion of Native Habitat. Land within the Greenway RMA may be included within the Greenbelt requirement. To encourage the consolidation of Open Space for environmental and agricultural uses, the Greenbelt widths between multiple Hamlet Development Areas each may be 50 feet where adjacent Master Development Plans are approved simultaneously. Each of these adjacent Green Belt widths may be averaged for the common length between the Hamlet Developed Areas, however each Greenbelt width shall be no less than 30 feet as measured perpendicularly at any given point along the common length.*

**6/14/2019 Applicant Justification pursuant to VOS Policy 5.1 – Greenbelts:** In accordance with these policies, and objectives, incentives are offered for the ability to develop clustered developments, which is recognized in the instance as a Hamlet. Further, the finding was in the creation of clustered development in the Hamlet area, it will be permitted based on the establishment of Open Space and the ability of providing connectivity either currently or in the future as corridors of open space.

In addition, these policies and objectives suggest that the Hamlet designation of lands has substantial native habitat to preserve within the open space. The subject area has minimum native protection,

which is the reason for being preserved. The majority of the area is improved agricultural land which is deemed appropriate for Hamlet development.

Lastly, the proposed change to create additional density with the intent of it being clustered internally of each site that participates with the North Fruitville Master Utility Plan. Therefore, while applying, the policies and objectives, the proposal represents and supports the intent and purpose of the Hamlets.

**Staff Comment on 6/14/2019 Applicant Justification:** The applicant's justification fails to establish a specific connection to VOS Policy 5.1 - Greenbelts and fails to provide any evidence related to why the proposed request to triple the density incentive by doubling the residential DUs within the Developed Area for the Hamlet Land Use form of 2050 development is supported by this. Additionally, the proposal will reduce the amount of open space being provided per DU, which is counter to this policy.

### Part Three

The applicant initially provided a statement for the following Comprehensive Plan goals, objectives and policies, and then responded to initial staff comments with the 2nd submittal.

#### ***VOS Policy 4.1-Incentiatives for Preservation of Open Space***

*Incentives to preserve the Open Space within the Village/Open Space RMA are established as detailed in Objective TDR1. These incentives proved for the Transfer of Development Rights and create the opportunity to achieve Density Incentives within the Village/Open Space RMA based upon the level of significance of resources preserved, the amount of land preserved and the connectivity of the Open Space to ecological resources.*

**Applicant Statement:** It is clearly contemplation on the intent to incentivize the creation of Hamlets. The intent of the allowance is particularly based on the creation of Open Space and the ability for the open space to provide connectivity with both current and future corridors. The attached exhibits demonstrate that the subject project will further that policy.

**Staff Comment:** The applicant statement fails to establish a coherent basis for why this policy supports the application's request to triple the density incentive for the Hamlet Land Use form by doubling density within the Hamlet Land Use Developed Area. VOS Policy 4.1 is under the objective to support both recreational and regional environmental goals which reduce loss of natural resources through the preservation of Open Space and the creation of connections to the Greenway RMA. This policy ties the mechanism of the TDR program into the V/OS RMA, establishing the needed connection for implementation of the RMA system.

**6/14/2019 Applicant Response to VOS Policy 4.1:** In regards to incentivizing the creation of Hamlets as referenced initially, this was with the thought of working all aspects in a comprehensive approach. This approach includes both the recreational and regional environmental goals in efforts to efficiently raise the quality of life for all. Realized in the long-term is that recreational and environmental protection provides practical and important benefits for stabilizing and securing the community's future. Therefore, as the lands are being developed it will be with the understanding that all will collaborate their plans to offer an overall cohesive developed area. This is a text amendment only. At the Master Plan stage innovative uses will be proposed for the open space as well as definition of how the regional environmental systems will be preserved.

**Staff Comment on 6/14/2019 Applicant Response:** The applicants response restates 2050 Plan goals and objectives which are already in place and must be adhered to with any Hamlet development. As already established, the proposal reduces the amount of open space protected per DU while increasing the number of actual DUs built east of the Countryside Line. This is a major reversal of the 2050 Plan goals and objectives without any evidence having been provided to support such a request.

**TDR OBJ 1-Density Incentives**

*To create a Density Incentives Program that provides a clear separation of urban and rural uses between and around Villages and Hamlets; creates Buffer areas between new urban Villages and the traditional rural landscape; and preserve natural resources.*

**Applicant Statement:** This Objective, incentives are offering the ability to enhance the existing natural and rural character. As in rural areas there is a blend of the functional, the aesthetic, the natural and open pastoral character where development in this area is sought to ensure a balance that preserve and cultivates the existing landscapes and natural areas manageably that remains in context with the defined location.

The proposed Hamlet development will be clustered in the interior that will be surrounded by Open Space per the intent of this objective. Therefore, while applying, the reference objective the open space proposed will be located along the perimeter of properties that will serve as a perpetual easement, which this policy supports.

**Staff Comment:** The applicant statement fails to establish a coherent basis for why this objective supports the application's request to triple the density incentive for the Hamlet Land Use form by doubling density within the Hamlet Land Use Developed Area. This objective actually reinforces one of the basic concepts behind the 2050 Plan for which the TDR program was established, to provide a clear separation of urban and rural uses.

**6/14/2019 Applicant Response to TDR Objective 1:** The separation of urban and rural uses has been acknowledged. However, the use of cluster layouts are used in different aspects. The differences in creating a rural cluster development includes reserving the rural character of the land by retaining stretches of open space and similar natural assets that will not be disturbed; reducing the development cost of bigger lots, which allows construction to bypass disturbing natural obstacles in the site. As this is truly cluster, with one of the goals being to incorporate amenities that will be beneficial to the community and future residents of the developed Hamlets. Among the features to be considered is the interior area preserving its natural condition. Therefore, the changes to the Hamlet policies and accompanying regulations for additional density to achieve a cluster development represents the departure from the urban development practices or traditional development pattern. As this proposal adheres to the policies and objectives by providing a community with larger recreation areas and creating a sense of openness that is desired by many; the greater open space offer benefits to the environment by providing habitat of wildlife, naturally filtering stormwater, reducing stormwater runoff from impervious surfaces and playing a role in protecting the natural features of the region, not just the subject area; plans to link the open space of the area to effectively develop an environmental corridor that will be cohesive regionally.

**Staff Comment on 6/14/2019 Applicant Response:** The applicants response restates 2050 Plan goals and objectives which are already in place and must be adhered to with any Hamlet development. As already established, the proposal reduces the amount of open space protected per DU while increasing the number of actual DUs built east of the Countryside Line. This is a major reversal of the 2050 Plan goals and objectives without any evidence having been provided to support such a request.

**ENV Objective 1.3**

*Preserve a network of habitat connectivity across the landscape that ensures adequate representation of native habitats suitable to support the function and values of all ecological communities.*

**Applicant Statement:** The attached graphics demonstrate not only the compliance with this Objective, but it also furtherance it. One of the goals sought by the 2050 Plan is to not only protect existing habitats and corridors, but to also create opportunities for the future of both too. The establishment of the Open Space corridors of this area offers current and future protection as well as the enhancement of the ecological functions.

**Staff Comment:** The applicant statement fails to establish a coherent basis for why this objective supports the application's request to triple the density incentive for the Hamlet Land Use form by doubling density within the Hamlet Land Use Developed Area. The objectives and policies within the 2050 Plan already support this objective and tripling the density incentive within the Hamlet Land Use form of development does not appear to further this in any discernable way.

**6/14/2019 Applicant Response to ENV Objective 1.3:** Upon the Hamlet Master Planning configuration layout for environmental management purposes it will be designed with future continuity consideration being applied. At which time, buffers will be sought to establish future connectivity while considering current conditions of open space that is not protecting habitat.

**Staff Comment on 6/14/2019 Applicant Response:** The applicants response restates 2050 Plan goals and objectives which are already in place and must be adhered to with any Hamlet development. As already established, the proposal reduces the amount of open space protected per DU while increasing the number of actual DUs built east of the Countryside Line. This is a major reversal of the 2050 Plan goals and objectives without any evidence having been provided to support such a request.

#### **ENV Policy 1.3.6**

*Encourage the clustering of residential developments or the implementation of other measures to first avoid, then minimize and then mitigate adverse environmental impacts, wherever areas of significant native habitats are involved.*

**Applicant Statement:** Incentives for Hamlets would support this Policy. The additional units will support, the encouragement of the protection of Open Space in the Hamlet development concept. Presently, the lack of incentives for any additional density discourages the creation of additional Open Space set asides.

**Staff Comment:** The applicant statement fails to establish a coherent basis for why this policy supports the application's request to triple the density incentive for the Hamlet Land Use form by doubling density within the Hamlet Land Use Developed Area. The Hamlet Land Use Development Area does not change in size based on whether or not it contains twice as many dwelling units. The Open Space requirement within the Hamlet Land Use form of development remains at 60%.

**6/14/2019 Applicant Response to ENV Policy 1.3.6:** The basis used to pursue or encourage a more cluster approach for the area includes more green and open space, closer community, and an optimal stormwater management ability. Also, though the minimum required open space is 60% in allowing the ability for additional units per acre, this promotes potential extra open space.

**Staff Comment on 6/14/2019 Applicant Response:** The applicants response restates 2050 Plan goals and objectives which are already in place and must be adhered to with any Hamlet development. As already established, the proposal reduces the amount of open space protected per DU while increasing the number of actual DUs built east of the Countryside Line. This is a major reversal of the 2050 Plan goals and objectives without any evidence having been provided to support such a request.

#### **ENV Policy 1.3.7**

*Encourage the use of cluster and planned development that preserves and protects habitats in open space, and encourage development forms that provide enhanced open space preservation and protection of habitats in all zoning districts.*

**Applicant Statement:** The incentives for Hamlets are supported by this policy. In addition, increase of units is supported by the encouragement of the protection of Open Space surrounding the perimeter of the cluster development concept.

**Staff Comment:** The applicant statement fails to establish a coherent basis for why this policy supports the application's request to triple the density incentive for the Hamlet Land Use form by doubling density within the Hamlet Land Use Developed Area. The objectives and policies within the 2050 Plan already support this objective and tripling the density incentive within the Hamlet Land Use form of development does not appear to further this in any discernable way.

**6/14/2019 Applicant Response to ENV Policy 1.3.7:** The incentives for the Hamlets subdivision is certainly supported by this policy. In addition, the increase of units is supported by the encouragement of the protection of Open Space surrounding the perimeter of the Hamlet in the cluster development concept. The policy encourages the use of clustering density to preserve open space which is precisely what the proposed amendment is designed to create.

**Staff Comment on 6/14/2019 Applicant Response:** The applicants response restates 2050 Plan goals and objectives which are already in place and must be adhered to with any Hamlet development. As already established, the proposal reduces the amount of open space protected per DU while increasing the number of actual DUs built east of the Countryside Line. This is a major reversal of the 2050 Plan goals and objectives without any evidence having been provided to support such a request.

## **WATER Goal 2**

*Sanitary sewer service shall be provided to Sarasota County residents through the continual evolution of a centralized regional wastewater collection and treatment system, and shall be provided in a safe, clean, efficient, economical, and environmentally sound manner, concurrent with urban development.*

**Applicant Statement:** This area is set to be served by the County centralized sanitary sewer service. Please note, this criterion was found to be essential when considering the incentive of an increase in density for the Hamlets area. As its universally known that infrastructure is important factors in the efficient and orderly use of land to a desired density.

**Staff Comment:** The applicant statement fails to establish a coherent basis for why this goal supports the application's request to triple the density incentive for the Hamlet Land Use form by doubling density within the Hamlet Land Use Developed Area. The objectives and policies within the 2050 Plan already support this goal and tripling the density incentive within the Hamlet Land Use form of development does not appear to further this in any discernable way.

**6/14/2019 Applicant Response to WATER Goal 2:** This initiative demonstrates the desirability to connect to the County wastewater, which justifies an increase in density and compliance with the Comprehensive Plan policies and Unified Development Ordinances. The proposed changes further the implementation of this and other policies.

**Staff Comment on 6/14/2019 Applicant Response:** The applicant is making the circular argument that they need the increase in Hamlet density in order to provide for the economic installation of central utilities required by the increase in residential density. The applicant's statement does not establish any kind of evidence that would support the request, but rather restates that they will meet existing Hamlet requirements if they are granted an increase in residential density. However, the resulting open space from the request will be half as much per DU.

## **WATER Objective 2.2**

*Maximize the use of existing and available central wastewater facilities and new facilities when they are constructed, and discourage urban sprawl.*

**Applicant Statement:** In developing this area, existing wastewater facilities and facilitate the construction of lines at the desire of the County. Also, the incentive being pursued for the increase in density will play a viable role in discouraging the demand for urban sprawl as being sought per the related policies and objectives.

**Staff Comment:** The applicant statement fails to establish a coherent basis for why this objective supports the application's request to triple the density incentive for the Hamlet Land Use form by doubling density within the Hamlet Land Use Developed Area. The objectives and policies within the 2050 Plan already support this objective and tripling the density incentive within the Hamlet Land Use form of development does not appear to further this in any discernable way.

**6/14/2019 Applicant Response to WATER Objective 2.2:** This initiative demonstrates the need to connect to the County wastewater, which justifies an increase in density and compliance with the Comprehensive Plan Policies and Unified Development Ordinances. Particularly, this proposal eliminates Urban Sprawl for the area. It creates a more efficient use of the land and requires the use of sanitary sewer.

**Staff Comment on 6/14/2019 Applicant Response:** The applicant is making the circular argument that they need the increase in Hamlet density in order to provide for the economic installation of central utilities required by the increase in residential density. The applicant's statement does not establish any kind of evidence that would support the request, but rather restates that they will meet existing Hamlet requirements if they are granted an increase in residential density. However, the resulting open space from the request will be half as much per DU.

#### **WATER Policy 2.2.1**

*The county shall continue to require new development to connect to central wastewater systems consistent with the requirements contained in the Land Development Regulations based on the size of the development and distance to the existing system, the available capacity in the system, and the utility's rules allowing connection to the system.*

**Applicant Statement:** As discussed with County Utilities this project demonstrates the suitability to connect to County wastewater and potable water through the extension and financing agreement. This agreement allows for the increase in density and compliance with the Comprehensive Plan Policies, Objectives and Code of Ordinances because of the following:

- Water & Sewer available to eastern area will create avoidance to the proliferation of septic tanks that has potential to jeopardize water quality

**Staff Comment:** The applicant statement fails to establish a coherent basis for why this policy supports the application's request to triple the density incentive for the Hamlet Land Use form by doubling density within the Hamlet Land Use Developed Area. The objectives and policies within the 2050 Plan already support this objective and tripling the density incentive within the Hamlet Land Use form of development does not appear to further this in any discernable way.

**6/14/2019 Applicant Response on WATER Policy 2.2.1:** This initiative requires connection to the County wastewater and potable water, which justifies an increase in density and compliance with the Comprehensive Plan Policies and Unified Development Ordinances. This proposal implements this policy.

**Staff Comment on 6/14/2019 Applicant Response:** The applicant is making the circular argument that they need the increase in Hamlet density in order to provide for the economic installation of central utilities required by the increase in residential density. The applicant's statement does not establish any kind of evidence that would support the request, but rather restates that they will meet existing Hamlet



requirements if they are granted an increase in residential density. However, the resulting open space from the request will be half as much per DU.

#### Part Four

Additionally, the applicant was instructed to address two fundamental questions within the formal application for CPA-2018-C:

1. Has anything changed related to the underpinning conditions to which the 2050 Plan was responding when it was developed?

**Applicant Statement:** As 16,044 acres of land, which included 4,684 acres to the North, 4,603 acres Central, and 6,777 acres south) were designated by the 2050 Plan with the vision of 47,500 units being developed in a high density environment with internal services utilizing 24,300 offsite TDRs (Transfer of Development Rights) from the eastern designated Hamlet lands and Greenways.

Subsequent to these changes that were allowed additional land classifications which have been utilized to reduce the open space requirements and also eliminated off-site TDR purchases that has resulted in the following approvals that has altered the Hamlet area intent, purpose, and goals.

- North Village which contains 6,422 units on 6,030 acres of land with open space ranging from 43% to 50% and a total of 316 off-site TDRs;
- South Village which contains 4,549 units on a total of 2,259 acres with a range of 35% to 50% of open space with a total of off-site TDRs of 654;

In addition to the above-mentioned, there was a change in the Comprehensive Plan for the Clark Road Properties per Ordinance, CPA 2013-C that eliminated the required of 4,000 off-site TDRs to achieve a density count of 3 dwelling units per Developed acres by granting 2 dwelling units per Gross acres by right.

Consequently, there has been only one Hamlet approved and it is at risk for failure due to the mandates of urban lot configuration and urban services but at a rural density which is not feasible.

However, in discussion with the Sarasota County Utilities approximately 4,047 stakeholders were asked to participate in the extension of water and sewer being proposed to the east of Fruitville area that will be established by MSBU.

The North Fruitville Hamlet Utility Group will be able to participate in the MSBU through the development of Hamlets but under current rules with the modification that the total number of units allowed on-site shall be limited to the units that are generated by utilizing the TDRs program with a maximum gross area of 1 dwelling unit.

**Staff Comment:** The applicant is requesting to triple the density incentive for the Hamlet Land Use form by doubling density within the Hamlet Land Use Developed Area for those lands so designated on the V/OS RMA. The only discernable reason given within the applicant's statement for the need to adjust 2050 Plan policy is that the demand for Transfer of Development Rights (TDRs) within the Village Land Use designated areas has been dramatically reduced. The application narrative further states that this is due to the low residential density being approved within the Village Land Use designated areas by the County, and the outright granting of residential density to a major portion of the South Village Area (south of Clark Road) by the County.

The assertion by the application is that this reduced demand for TDRs has a significant impact on the Hamlet Land Use designated areas. The logic presented suggests that the Hamlet Land Use designated areas potentially would have been the source of those TDRs for the Village Land Uses, and this would

have facilitated the Hamlet Land Use areas being able to financially subsidize the extension of utilities for certain Hamlet development. This is apparently why the only qualifier being suggested within the application for CPA-2018-C is that said Hamlet areas must enter into a utility extension agreement with the County for sanitary sewer and potable water supply, although this is not incorporated within the proposed CPA in any way.

This application, although very simplistic on the surface and in its appearance, strikes at the very core of the 2050 Plan and the RMA system that it established. This is why the applicant was instructed to provide their position on two very basic questions at the Preapplication Conference level of review. Staff's initial comments on this application's sufficiency focuses on the following topics:

- A. 2050 Plan fundamentals related to the Hamlet Land Use form;
  - B. Projected need for housing units on which the 2050 Plan is based;
  - C. Potential scope of this requested change;
  - D. Reduced demand for TDRs; and
  - E. Extension of infrastructure to eastern Hamlet Land Use designated lands.
- A. 2050 Plan fundamentals related to the Hamlet Land Use form:** This requested change must be looked at within the context of what the 2050 Plan was essentially designed to accomplish. The 2050 Plan was established as a vehicle for planning the continued development of Sarasota County out to the year 2050. It set forth an urban corridor (Village Land Use designated area) along the east side of Interstate 75 to facilitate a major portion of the County's projected growth, which was held to be essential for the County's future.
- This urban corridor was east of the Urban Service Boundary Area (USBA) line established by the Comprehensive Plan. The USBA applied limits on growth east of that line based on residential capacity needs. The urban corridor of the 2050 Plan set up parameters under which development would be allowed to occur east of the USBA line.
- The 2050 Plan also established a Countryside Line that limited the urban corridor (Village Land Use designated lands) to those lands west of it, creating a demarcation line east of which the County would maintain a rural land use character [VOS Policy 2.1(c)]. Primarily, the residential density and intensity of development within the urban corridor was to be derived by removing it from environmentally sensitive lands and other lands potentially being developed east of the Countryside Line. The Hamlet Land Use designated area of the Village/Open Space RMA is the primary form of development identified within the 2050 Plan for those lands east of the Countryside Line.
- A major element of the 2050 Plan's Transfer of Development Rights (TDR) program was to facilitate the shifting of density and intensity from those lands east of the Countryside Line to those lands west of that line. There was a built-in enticement that provided the Hamlet form of development with the option to develop at a maximum of 0.4 DUs/acre. This enticement already represents a doubling of the allowed density and intensity existing on said lands because the existing FLUM designation for these same lands still limits them to 0.2 DUs/acre.
- B. Projected need for housing units on which the 2050 Plan is based:** The County based the 2050 Plan on the University of Florida Bureau of Economic and Business Research (BEBR) medium population projections for the years 2000 to 2030. These figures were converted to housing units and extrapolated out to the year 2050. Those BEBR projections indicated that the number of housing

units within unincorporated Sarasota County were 126,006 in the year 2000 and would be 143,399 by 2010. The U.S. Census figures coincide with the BEBR based housing units for the year 2000 and indicate that there were actually 146,554 housing units in 2010 within unincorporated Sarasota County. This is a clear indication that the County is not off course when it comes to the number of housing units being made available having 3000 more housing units than projected for 2010. The 2020 U.S. Census will afford the County with another accurate check point.

Additionally, pursuant to FLU Policy 3.1.3 the County is to monitor the Residential Housing Capacity with each Comprehensive Plan Evaluation and Appraisal Report (EAR) conducted on a 7-year interval. It is to inform the evaluation and appraisal process for updating the Comprehensive Plan. The most up to date analysis is the County's 2014 Residential Capacity Analysis which indicated that there was a 259% potential capacity for the following 10-year demand period. The next EAR cycle is due to be initiated in 2020 and the residential capacity analysis will be a part of that effort to provide monitoring of dwelling unit availability.

Using past practice as a guide and doing a basic accounting for those 2050 residential projects that have been approved subsequent to the 2014 Residential Capacity Analysis indicates that the residential capacity would not fall to a level that would be considered impactful. An impactful level would be when the residential capacity drops to a level that is no longer sufficient to accommodate projected future housing demand. While a full residential capacity analysis would be needed to determine a more up to date residential capacity percentage level, the basic accounting described above indicates that it would remain above the level considered to be impactful on the housing market.

- C. Potential scope of this requested change:** This requested change is potentially applicable to all Hamlet Land Use designated lands (+/- 14,000 acres), because all of the lands so designated could take advantage of the change. Should the change be granted, there could potentially be a 5600 DU increase in residential capacity  $[(14,000 \text{ acres} \times 0.8) - (14,000 \text{ acres} \times 0.4)]$ . As the above discussion topic indicates, the need for an additional 5600 housing units is not demonstrated.
- D. Reduced demand for TDRs:** The application lacks accurate substantive details to support the claim being made and this information needs to be established. However, there is no disputing the fact that the Village Land Use designated areas zoned to date have been at a lower density level than originally anticipated by the 2050 Plan. Additionally, a major portion of the South Village Area was in fact granted residential density without the need for purchasing TDRs at all. These actions by the County have reduced the demand for TDRs. Therefore, there is less demand for the excess TDRs that may have been produced from designated Hamlet Land Use areas.

The response to this fact does not require that the 2050 Plan be reversed as related to the Hamlet Land Use form. There are other options that do not lead to a dramatic increase in the density and intensity of the Hamlet Land Use form and those lands east of the Countryside Line. Maintaining the basic goals of the 2050 Plan should be the overriding consideration.

- E. Extension of infrastructure to eastern Hamlet Land Use designated lands:** The applicant also states that the ability to triple the density incentive for the Hamlet Land Use form by doubling density within the Hamlet Land Use Developed Area is needed to off-set the costs associated with the extension of utilities out to the eastern Hamlet Land Use designated lands. VOS Policy 3.8.2 does not mandate sanitary sewer service for the Hamlet Land Use form, however the policy does call for a full

analysis based on location, soil conditions, and proximity to existing central services. Other factors involved include environmental impacts and the County's growth management considerations.

This point being raised by the applicant does bring focus to an important question related to infrastructure improvements required for development. This involves much more than just sanitary sewer service and the provision of a potable water system. Roadway improvements will inevitably be involved along with the provision of other public services such as fire department and sheriff's office. As the residential density and intensity is elevated to more of a Village Land Use level of intensity, it does bring in the need to evaluate the fiscal impact of such a change. While fiscal neutrality is currently not required for the Hamlet Land Use form of development, it is a central principle of the 2050 Plan. There has been nothing submitted that would suggest that impact fees for development of property at the requested level of density and intensity will cover the public costs associated with providing infrastructure and public services.

Therefore, the answer to this first basic question as related to the application for CPA-2018-C appears to be that nothing has been presented related to the underpinning conditions for which the 2050 Plan was responding when it was developed. While the reduction in TDR demand is a change to an element of the underpinning conditions, the potential increase in residential capacity represented by the application's request to triple the density incentive for the Hamlet Land Use form of development does not appear to be warranted. If there is less of a demand for TDRs, then there may not be a critical need for the mechanism to create as many of them.

**6/14/2019 Applicant Response on Part One question #1:** The fundamental question is what has changed in the 2050 process and approvals that would trigger the request. There have been major changes:

- The decimation of the TDR program by previous approvals. The two approved Villages were approved without transferring any off-site densities as contemplated by the 2050 Policies. The Villages were approved with the concept of clustering the onsite created units on the projects. This is a fundamental change in the 2050 concept.
- The densities approved for the 2050 projects are far below what was projected. In round numbers, the original 2050 plan envisioned that 47,500 units could be built on 16,000 acres of Village land at a density of 3DU/Acre with density rights purchased as TDRs from the Hamlet Lands & Rural lands. To date 10,000 units have been approved on 8,000 acres (1.3DU/acre) with a Hi Hat plan (CPA 2019-D) to approve 12,000 units on 10,000 acres (1.2DU/Acre). The approved developments used on site generated development rights, comp plan changes eliminating significant numbers of TDR requirements and discounted TDRs from ESLOC lands to achieve their required densities. This eviscerated the planned TDR program as originally envisioned.
- This proposal is still within the context of the overall Hamlet land planning; as the goal of this proposal is to only allow for density to be moved from the undeveloped land to the developed area. Based on Attachment A-2 provided by email, the proposed amendment is still below the potential residential capacity per the County's analysis.

**Staff Comment on 6/14/2019 Applicant Response:** A full explanation of attachment A-1 to the application needs to be submitted to provide a clearer understanding of the source and accuracy of the information included. This is the applications primary foundational claim and the information needs to be verifiable. The only other discernable reason given within the applicant's initial submittal related to the need to adjust 2050 Plan policy on TDRs presented the applicant's secondary foundational claim for their request. Additional data is needed to support this claim outside of requesting the additional

density and intensity within the Hamlet Land Use 2050 form of development to subsidize the extension of public utilities out to the Hamlet Land Use designated lands.

The secondary question to answer was:

2. If there has been a change to the underpinning conditions for the 2050 Plan that would indicate a need for more housing units, should the potential for additional housing units be added to the Hamlet Land Use development areas?

**Applicant Statement:** None provided.

**Staff Comment:** The applicant did not provide a statement with the application responding to this question. Nor has the application provided a coherent basis for why this application's request to triple the density incentive for the Hamlet Land Use form by doubling density within the Hamlet Land Use Developed Area should be supported. The 2050 Plan established a Countryside Line that limited the urban corridor (Village Land Use designated lands) to those lands west of it, creating a demarcation line east of which the County would maintain a rural land use character. Tripling the density incentive for the Hamlet Land Use form of development and doubling the allowed residential density within the Hamlet Land Use Developed Area is counter to the basic premise of the 2050 Plan. It reverses the intent of maintaining a rural land use character within the eastern lands of the County through the transferring of that residential density west of the Countryside Line. This application requests the ability to intensify the residential density east of the Countryside Line, which is the exact opposite of the 2050 Plan.

It is important to point out that the 2050 Plan is an optional set of policies available to property owners if there is a desire by them to pursue a more intensive form of development than that allowed by the FLUM, which in this case is Rural at 0.2 DUs/acre. Again, while this application presents the appearance of being a very simple text amendment to a single policy within the 2050 Plan, it clearly has major ramifications on the whole concept of the 2050 Plan. There are clearly other applicable policies that were not addressed within this application at all, and potentially those policies could prohibit the ability for the Hamlet Land Use form to develop as desired by the applicant.

**6/14/2019 Applicant Response on Part Two question #2:** We disagree with your opinion that this request has major ramifications on the 2050 Plan. It is simply to allow for the use of existing onsite units to be used on the site that is very suitable to be used for the requested purpose. The subject area is some of the highest elevation, land in the area and relatively few protected environmental features. The request will allow for the economic installation of central utilities, therefore protecting water quality. It reduces urban sprawl by allowing tighter clustering of the units, rather than using the units in other areas, possibly less suitable for development. None of the major required components of 2050 such as open space, environmental protection or size of developed areas are being requested for change. All of the regulatory issues of the 2050 policies and implementing regulations must and will be followed.

**Staff Comment on 6/14/2019 Applicant Response:** Again, the applicant is making the circular argument that they need the increase in Hamlet density in order to provide for the economic installation of central utilities required by the increase in residential density. The applicant's statement does not establish any kind of evidence that would support the request, but rather restates that they will meet existing Hamlet requirements if they are granted an increase in residential density. However, the resulting open space from the request will be half as much per DU.

**Long Range Planning – Application is insufficient as submitted.**

**TRANSPORTATION PLANNING (Wafa Mahmoud) 861-0837, [wmahmoud@scgov.net](mailto:wmahmoud@scgov.net)**

Transportation Planning has reviewed the proposed methodology statement for the proposed Fruitville Hamlet comprehensive plan amendment, dated February 28, 2019, submitted via Planning Services on March 25, 2019. The methodology is generally acceptable. Please note and address the following items:

1. Please include all input HCS I Synchro, Excel spreadsheets, FSUTMS, and SIDRA files on a CD-ROM for submission.
2. Please sign and seal two copies of the report for submission.

Please include a copy of this approval letter with the traffic study when it is submitted to the County for review.

**6/14/2019 Applicant Response to Transportation Planning:** As required, please find the traffic study prepared by Kimley-Horn and Associated attached.

**Staff Comment on 6/14/2019 Applicant Response:** Comprehensive Plan Amendment (CPA 2018-C) requesting to amend maximum density within Developed Area outlined in VOS Policy 1.2.B of the Sarasota 2050 Resource Management Area (RMA) and Article 14, Section 124-271 of the Unified Development Code (UDC) is complete as submitted.

**Transportation Planning – Application is sufficient as submitted.**

**ENVIRONMENT PROTECTION (Bryan Beard) 915-7717, [bbeard@scgov.net](mailto:bbeard@scgov.net)**

The formal application will need to include an analysis of the extents of the on-site Greenway with the addition of any attached AE zones. Staff recommends a meeting to discuss the process on how to determine the extent of the AE that should be included as part of the Greenway. EPD staff recommends that the Greenway RMA map be updated to memorialize the accurate Greenway area. An analysis needs to be conducted and submitted for review to show that the redefined Greenway RMA will not be adversely affected by the requested density increase for the Hamlet area.

**6/14/2019 Applicant Response to Environmental Protection:** The request to update the Greenway is premature. This is a text amendment only. A map amendment would be different a process and we are not requesting that at this time. The proper time to map any revised Greenway will be at the Master Plan stage and rezoning. The fact that the current request is for a Comprehensive Plan text amendment only and that physical master planning and rezoning may be in the distant future precludes mapping of any possible revised Greenway. The mapping may very well be different in the future as the "best available data" may change. Therefore, the Greenway cannot be memorialized as requested in the context of the currently pending text amendment. It will only be properly done in due course during the Master Planning and rezoning process.

**Staff Comment on 6/14/2019 Applicant Response:** Staff does not see how the current ENV Policies and justifications proposed in the "Comprehensive Plan Compliance & Supplemental Criteria" are being addressed or affected by the current increase of Hamlet Density proposal. The map series and work provided does not demonstrate any of the ENV Policies nor does it show that it is compliant with them. These ENV Policies should be removed from the compliance list until such time that they can be fully identified and address by an application.

After review of the documentation submitted thus far, EPD staff is not clear on how an increase in density would further any habitat protections within the affected area. With the allowance of increased density typically is a direct reduction of habitat and Open Space protection. How does this increased

July 17, 2019

density allowance provide better environmental outcome than what currently is in place for Hamlet Density?

**Environmental Protection – Application is insufficient as submitted.**

Please feel free to meet with me or other staff to discuss these comments. If you have any questions regarding this letter, call me at (941) 861-5107.

Sincerely,

*Wm. K. Spaeth*

William K. Spaeth, Planner  
941-851-5207