

What would constitute such as “legitimate public purpose” is not further defined by the Court in

Snyder, but perhaps may best be defended by showing that the subject parcel is not yet ready for

the maximum density contemplated by the “

future” land use element of the Comprehensive Plan,

because the density, intensity or other aspects of the development contained in the proposal are

premature and would lead to leap-frog development or urban sprawl rather than a logical plan for

orderly growth.

Disclosure

. In order to plan ahead for the possibility that the Council/Commission will

vote to deny the proposed development application for one or more reasons, and to ensure that

such a denial is defensible, the staff report and/or presentation should

- Disclose all questionable project aspects and issues;
- Disclose all applicable Comp Plan Policies that may afford a basis for denial;
- Disclose all applicable LDC Sections that may afford a basis for denial;
- Disclose all interpretations and assumptions made by staff during review that may be different from a more strict approach if taken by the elected Council / Commission;
- Disclose any weaknesses with staff recommended conditions (e.g., a condition may be recommended that puts off a compliance decision or allows the applicant to defer a deficiency determination into the future rather than denial until the deficiency is corrected);

- **Disclose the full impact of the development on local govt, Comp Plan or CIP;**
- **Disclose any unintended, secondary or cumulative impacts from the development (e.g., impacts when combined with other approved or proposed development in the area);**
- **Offer the basis, (i.e. factual support and staff/expert opinion testimony) that would support a denial**

Staff Comment:

The applicant makes a legitimate point that there is no variety of land use within the Hamlet form as demonstrated by the only Hamlet development approved by the County called Lakepark Estates. The form is more in keeping with that of a typical suburban subdivision with +/- 10,000 sq. ft. lots, and nothing inherently about the form indicates affordability or diversity. The existing ranchettes in the area are more organic in nature having developed very slowly over a long period of time, which has established some degree of diversity.

Staff Comment:

The Hamlet form of development was incorporated within the 2050 Plan to facilitate development in a clustered form with a large amount of open space around it to assist with the mitigation of its impact. The question being raised by this application is the location of this form of development this far east in the County, and the extent of that form currently available to be pursued. A series of Hamlets having a total of 6000 acres with 2400 homes would be considered urban sprawl when looking at it with the typical concerns raised related to residential development sprawling eastward.

October 17, 2014

Becky Ayech
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CONA conasarasota@hotmail.com
VIA EMAIL

Re: Sarasota County's proposed changes to Sarasota's Comprehensive Plan, Specifically 2050

Mr. Eubanks and Ms. Brookens,

I have been a resident of Miakka (also known as Old Miakka) for 34 years. I am also the president of the Miakka Community Club Inc. (MCC). The MCC was formed in 1948 to give a voice to the rural residents in Miakka for preserving and conserving the rural Miakka Community. Since the Growth Management Act required counties to adopt comprehensive plans, MCC has been an active participant.

When the first Comprehensive Plan (*Apoxsee*) was adopted in Sarasota, there were provisions to protect the rural area of the county. *Apoxsee* recognized the need to have areas in Sarasota for food and fiber production. Over the years this rural protection has been eroded away. The "food and fiber" protection was removed several years ago. The urban service boundary has been moved into the rural area allowing removal of prime agricultural lands¹ and replacing them with urban development. The proposed amendments do nothing to further agriculture protection or rural lifestyles. The clustering of hamlets under the guise of allowing more land available for agriculture is a ruse. No data or analysis was presented to identify what lands would be used for agriculture and which lands would become the clustered hamlets. My experience, as well as experience throughout this country, has been for urban developments to drive agriculture away because of neighbors' complaints about odors, sounds and smells. To place 2,400 homes, roughly 5,000 people (the average household in Sarasota is 2.2 persons) in the midst of agriculture is a death toll. The "hamlets" are supposed to represent a transitional area from urban to rural. This volume of people and the urban style development does not represent or function as a transition.

The proposed reduction in green space between the "hamlets" also is not a functional transition between developments. Most property in the area identified for "hamlets" is zoned at one unit per 5 acres and one unit per ten acres. The property sizes are generally 330 feet by 660 feet and 660 feet by 660 feet, with some at 330 feet by 1320 feet. A 50 foot setback between "hamlets" isn't indicative of any rural or agricultural lifestyle or practice. It is merely "urban sprawl" in the rural area.

1. History of Agriculture in Sarasota County. The Sarasota County Fair Directors and the Sarasota county Historical Commission

As a former Sarasota Planning Commissioner, I am cognizant of the requirements of comprehensive plans. The proposed amendments are not consistent with 163.3177(1), F.S.; 163.3177(1) (a) 9, F.S. and 163.3177(1) (b), F.S. i.e. predictable development standards, urban sprawl and mitigation standards. The data and analysis as required by 163.3177(1) (f), F.S. were not met. Therefore, DEO has no other alternative than to deny these proposed amendments.

I challenged the 2050 plan *per se*, and know these amendments would not rise to the “reasonable person” standard in the administrative hearing process.

During a very rigorous DOAH proceeding, there wasn't any testimony presented to show that these proposed changes were necessary. Additionally, there weren't any *amicus* briefs filed to support the proposed changes.

Growth management isn't about granting privileges to a few but rather about managing growth in a way that protects the existing residents , supports urban infill, protects natural resources and offers a diverse economic base.

Becky Ayech

TO: BOARD OF COUNTY COMMISSIONERS
RE: OLD MIAKKA

March 17, 1997

Dear Sirs and Madam;

The Community known as Old Miakka is one of the oldest settlements in Sarasota County. It remains somewhat intact because of its geographic location, unlike other small Communities in Sarasota County whose boundaries have disappeared because of growth. The boundaries of Miakka extend to Cowpen Lane on the west, Manatee County on the north and east, and Myakka River State Park to the south. It encompasses approximately 36 square miles. The heritage of Old Miakka is rural and agricultural. The Miakka Community Club was formed in the late 1940s with the motto "conservation and preservation of our area."

Like all of Sarasota, Miakka has had major growth in the last 25 years. With this growth has come the development of "deed restricted" communities most of who restrict some agricultural activities and prohibit some types of traditional farm animals. Within the last 10 years a clustered development with a golf course has been permitted. The Miakka Community Club believes that the heritage and traditions of the Miakka area are not considered when development decisions are made. Within the last 4 years the Miakka Community Club has asked that Community Planning be done for Old Miakka by the Planning Department. Why hasn't it occurred? Why is the MSG performing county planning responsibilities?

ZONING

The highest allowable density in the Old Miakka area is 1 unit per 5 acres. One of the requirements for this density is "a proven need in the public interest." When has this ever been demonstrated? There is at least one large tract, which was rezoned to 1 unit per five acres, and nothing has been done with it...and yet there have been rezonings since. There is a mechanism to down zone such properties and it has not been used. Why? Recently there has been significant development in Manatee County, i.e. Mossy Hammock, Magnolia Hill, which impact the roads in the Old Miakka area. Why isn't Sarasota communicating with Manatee County about these impacts?

ENVIRONMENT AND WATER

The Old Miakka area is in the Southern Water Use Caution Area. The City of Sarasota maintains a well field in the area. There are numerous agricultural and golf course

water use permits in the area. SWFMD has begun a well study in the Miakka area because of reported water quality and quantity changes. SWFMD will also begin a study as to why large numbers of trees are dead or dying in the area. There should not be ANY further development before the answers to these questions are found.

FRUITVILLE ROAD

The Miakka Community Club membership was recently informed that there are no plans in the near future to do anything with Fruitville Road. It has substandard lane width and lacks a road base. More development can not be justified.

FIRE

Recently demonstrated in California and other western states there is significant risk from fire when development is permitted in isolated or heavily forested areas. It is a fact that many plant communities in Florida are fire dependent. Recent development in these plant communities and the exclusion of fire are a recipe for disaster. Lands that were managed with grazing and periodic prescribed burns have houses on them some in thick pine flatwoods. There is heavy fuel loading in many of these areas. ALL of these developments have one way in and out. They also contain long cul-de-sacs. Some have not been burned in over 20 years. The fire station that is the first response to these areas is a Volunteer station. Burning regulations prohibit burns in most of these areas with 5 acre tracts. Restrictions are also placed on some large tracts because of the smoke from the burns. We need restoration of prescribed burning on smaller tracts, education of residents of the need for fire, and planning that does not allow development with only one way to escape in an emergency.

THE FUTURE

Ignoring the traditions and roots of a community and the way it functions will probably destroy it. If you examine the community of Old Miakka you will find that it is already "clustered". It has 5 acre parcels (NOT large lots) surrounded by open space, less intensive agriculture as cow/calf operations, groves, and row-crop agricultural operations, nurseries, and small farms. Most families outside the deed restricted developments, keep a variety of farm animals. In some of the older deed restricted developments some farm animals (other than horses and cows) are kept. Recent surveys by the Planning Department and the Miakka Community Club reflect that rural and agricultural is how the residents want Miakka to remain. Please listen to us.

Respectfully,

Maurie A. Duggan, President
Miakka Community Club

Attachment.

The following are positions expressed to previous Boards of County Commissioners. The Miakka Community Club still supports these positions.

Representation of the Miakka Community on Boards that serve the county. There isn't anyone speaking on behalf of our rural areas. We need representation.

Special Exceptions should fit into the rural lifestyle. For example rural or agricultural use and limit the size and number to serve the community. We are opposed to golf courses because they are not consistent with rural or agricultural use. We already have two churches. These are more than enough to adequately serve the community population. We even supported a re-cycle project which we felt was appropriate in a low density area with limitations.

Airport relocation. We opposed this several years ago because it would be located in the watershed of the public water supply.

We opposed the density increase from OUR and OUA to OUE without a clear showing of need and a clear showing of public benefit. The county never considered the impact or limited services...volunteer fire department, law enforcement. No analysis of impacts on existing well uses from all competing water use. The traffic increase on already inadequate roads.

Sludge spreading with no monitoring. Everyone in this area has a well and no one monitors the sludge dumping or the number of continual violations, including odor. (If properly treated there is suppose to be no smell, but it always stinks, so it must not be treated right.) Also there is no notification to new property owners who purchase old sludge sites. When the county tests water for quality it is not tested for the constituents in sludge.

We were promised by the Planning Commission and the Board of County Commission a STAFF directed community planing forum in our area over 2 years ago. We still want one.

Inclusion of the Miakka Community on all county maps.

Continue to hold the urban boundary at I-75. This is a covenant with the people articulated in the Apexee.

Support environmental projects like purchasing of Environmentally sensitive lands. We even asked for the property at the T to be considered in the land purchase.

Designation of the Miakka Community and historic sights for sightseeing.

Deed restricted subdivisions must support/allow the underlying intent of the zoning classification.

Verna Courts - We oppose development at urban densities. We support the TDRs from properties to appropriate locations in urban areas.

The Miakka Community Club has also worked to improve the community by the following efforts:

We were the first community involved with roadside beautification and cleanup.

Tree canopy of Lena Lane

First in recycling with curb side volunteer pickup;

Participated in the planning processes of the ULI, April 22 Group, Andre Duawny planning charrettes, RU27, 2050 Plan;

- .5.5. *Open Use Estate District (OUE)*.
 - a. The OUE District is intended to retain the open character of land. This district provides for and encourages resource conservation and activities with an agricultural orientation, and is intended to be comprised of a combination of residential and agricultural activity. Normally, necessary urban services can not be efficiently or economically provided to lands in this district in the foreseeable future. Permitted uses are limited to conservation, agriculture, very low density residential development,

recreation, and with certain limitations, institutional and other uses not contrary to the character of the district. The open vista, low-density character of residential areas in this district should be protected from the encroachment of incompatible uses. The Comprehensive Plan's objective of protecting the integrity and quality of established residential neighborhoods should be implemented in residential areas within this district.

b. This district is generally used to implement the Comprehensive Plan within those areas shown as Rural on the Future Land Use Map. Lands within the Urban Service Area Boundary that have existing OUE zoning are acknowledged, and are considered to be consistent with the Future Land Use Map. However, OUE-zoned lands within the Urban Service Area Boundary may be rezoned to a more intensive zoning district consistent with the Comprehensive Plan.

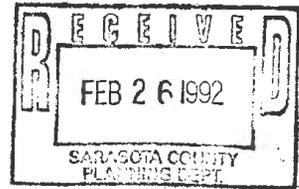
Policy RHE1.1 Preservation of Historic Rural Character

The County shall prepare a Neighborhood Plan to designate the Rural Historic District in Old Miakka to be completed within two years from Notice to Proceed from the Board of County Commissioners including, but not limited to, an evaluation of each of the following components and proposed strategies to preserve the historic rural character of the area:

- Land use
- Transportation
- Public and Private Facilities
- Protection of Rural Character

The Neighborhood Plans shall include processes and components as described in Policy US1.2 and US1.3. The Board of County Commissioners may provide assistance, when requested, to those communities within the Rural Heritage/Estate RMA to preserve their historic rural character.

Schroeder-
Manatee
Ranch
Inc.



February 25, 1992

Mr. Rick Drummond
Sarasota County Planning
P.O. Box 8
Sarasota, FL 34230

Dear Rick:

Please find some approaches at defining rural in the context of a rural land workshop.

Sincerely,

SCHROEDER-MANATEE RANCH, INC.

A handwritten signature in cursive script, appearing to read "C. John A. Clarke".

C. John A. Clarke
President

CJAC/cfh
Enclosure

Clarification of Rural

Rural is used as an adjective to many nouns and characterizes "of the country or country side" versus "of the town or urban". Probably for the purposes of our workshops we should differentiate between Rural, Agricultural, and Environmental lands.

Environmental Land is that land which has significant environmental consequence because it contains certain natural beneficial features that are critical to the quality of life. These may include streams and rivers, water recharge areas, wildlife corridors, diversity of plant and wildlife species and appropriate habitat for same, etc. Generally, the ecological value of such land will be in relation to its size and the goal should be to preserve, conserve or set aside larger tracts (over 2,000 acres) and where possible link these with corridors. The steps to identify and set the criteria for ecological value are in process. This land should be made available for passive recreation to the public.

Agricultural Land is that land which has active or existing agricultural or silvicultural operations. There has been an evolution in agricultural practices over the years and the economics of world agricultural markets will dictate the type of agricultural practices that will occur. We should allow great flexibility in agricultural land use once the environmental protection land is identified and set aside.

Rural Lands are those lands which generally have a very low intensity of current development, a low potential for significant increase in intensity or density in the near future and relatively undisturbed natural resources. This is often a factor of a lack of public facilities and services. Within the rural area people are seeking a number of very different lifestyles and we should accommodate their desires without impinging on the environmental lands. The lifestyles vary from the true agriculturalist who might live on and work his agricultural land as his main source of income to the part time farmer who may hobby farm/ranch as an add on from his main urban business. We must recognize the small holder (5-40 acres) seeking to keep animals such as dogs and horses for pleasure and recreation. Often the dense urban environment and its restrictions cannot provide the space and tolerance of such livestock. The rural lifestyle has also been adopted in small clusters by low income groups who either cannot afford an urban home or who make their living in the less well compensated agricultural industry. All of the above lifestyles embrace the perception of clean air, space, peace and quiet, lack of crime, enjoyment of natural areas and lack of neighborhood intolerance.

RURAL

What is meant by RURAL?

Rural as opposed to Urban or Suburban!

URBAN - City living - mostly apartments and houses with small yards and small cultivated parks.

SUBURBAN - Mostly homes with larger yards, apartments with more extensive grounds, preserved green acres, golf course, etc. and still close to amenities.

RURAL - Minimum 5 acres per homesite; farmland and its native state includes the isolated country store and small agricultural community centers.

I would say that a development like Bent Tree is a suburban development in a rural area. Saddlecreek is more difficult to categorize - essentially rural but no doubt bound by deed restrictions, etc., which somehow detract from the essence of "ruralness."

There are probably any number of dimensions involved in interpretation of Rural:

MENTALLY - In the mind? -- There is the romantic image of "life in the country", breathing fresh air and in tune with nature.

LIFESTYLE - More laid back (relaxed), more space and fewer restrictions with less control or influence on the neighborhood. A life away from the "rat race" but with less easy access to shopping centers, etc.

LEGAL - Relevant in regards to restricting the density per acre of dwellings.

Certainly all these and others have a bearing on the definition of rurality, and its perception. Perhaps the more tangible distinctions are found in the physical and economic dimensions.

Physically, rural lands are mostly in agricultural production of some kind or in their natural state.

Economically, rural land has a value for what it can produce or support in addition to its value of location (proximity to urban development). Generally, land values per acre are lower than in urban/suburban areas.

Is rural land set by barriers? To some extent, yes, though this may be more in peoples' minds than on the ground where I-75 is concerned. "East of I-75" is not an uncommon term and essentially is perceived as country living. Comprehensive plans have previously set I-75 as the dividing line between high and low density living. However, with a number of suburban and commercial developments now located east of I-75, that barrier has been breached.

NEXT 20 YEARS?

As more people come to live in Sarasota County, the population density of the rural areas must increase. Perhaps incentives can be placed on landowners by allocating "development rights" on all rural land which can be sold or traded. Then requiring a large number of these rights to be consolidated before permission to develop is granted. This would encourage developments of DRI size which tend to be much better planned and more desirable.

In the end, we want to see a mix of rural land use as we have now in the east county, with some preservation of the natural resources. Gradual encroachment from the west of suburban development must provide for future urban growth on a well planned basis.

State of Florida - proposed revisions to Rule 9J-5

1 held or further conveyed by the purchaser.

2 () "RURAL AREAS" means areas characterized by social,
3 economic and institutional activities which are largely based on
4 agricultural uses or the commercial extraction of natural
5 resources, or areas containing large proportions of undeveloped or
6 unimproved property or property in passive or active agricultural
7 use.

8 () "SPECIAL NEEDS HOUSEHOLDS" means households which
9 include persons who are physically or developmentally disabled,
10 elderly, homeless, economically disadvantaged, or farmworkers or
11 other migrant workers.

12 () "STATE PARK" means land owned or managed by the state
13 which preserves and maintains a natural setting while permitting a
14 full program of compatible active and passive recreational
15 activities.

16 () "STATE PRESERVE" means land owned or managed by the
17 state which are designed to save representative samples of natural
18 ecosystems.

19 () "STATE RECREATION AREA" means land owned or managed by
20 the state which places major emphasis on the provision of active
21 recreational opportunities while protecting areas of exceptional
22 natural value within the unit.

23 (26) "STORMWATER DRAINAGE BASIN" means the area defined by
24 topographic boundaries which contributes stormwater to a drainage
25 system, estuarine waters, or oceanic waters, including all areas
26 artificially added to the basin.

J-5.019 PLANNING OPTIONS FOR RURAL AREAS

1 (1) The act requires local governments to manage growth, land
2 uses and development in rural areas as well as urban areas. One
3 requirement that must be met in this rural planning effort is
4 discouraging the proliferation of urban sprawl. Another
5 requirement is the protection of natural resources in the state's
6 rural areas. Additional policy directives found in the state
7 comprehensive plan to be satisfied through planning for rural areas
8 include promoting agricultural diversification; encouraging
9 agricultural practices that ensure protection of natural resources;
10 maintaining the rural character of rural areas by encouraging a
11 separation of urban and rural land uses; protecting natural systems
12 and environmentally sensitive areas; permitting the conversion of
13 rural land to other uses when and where appropriate; creating a
14 rural environment fertile for appropriate economic development; and
15 maximizing the efficient provision of needed public facilities and
16 services that maintain the character of rural areas.

17 (2) The general approach to planning for rural areas should
18 be:

19 (a) The evaluation of demographic and economic
20 characteristics such as growth rate, land division and ownership
21 patterns and the requirements for predominant uses of land in rural
22 areas.

23 (b) The assessment of the appropriateness of rural areas for
24 development, including the identification and protection of areas
25 with physical, safety, environmental, economic or historical
26 constraints on development.

(c) The evaluation of the extent to which facilities and

WHAT HAS CHANGED SINCE THE ADOPTION OF 2050?

The Miakka Community Plan was accepted by the Board of County Commissioners.

Resolution 2007-042.

This Plan supported 5 and 10 acre development with limited commercial activities that are rural in nature.

Lakepark Estates “Hamlet” approved in 2015.

400 houses instead of the 50-150 as marketed in the 2050 Plan.

600 acres of mosquito breeding stormwater ponds instead of 600 acres of agriculture as depicted in 2050 literature.

“The form is more in keeping with that of a typical suburban subdivision with +/- 10,000 sq. ft. lots, and nothing inherently about the form indicates affordability or diversity” (Wm. Spaeth April 30, 2019 DRC letter.)

Application CPA2018-C

A request to triple the density incentive by doubling density allowed within the Hamlet Land use Designation.

Changes to the underpinnings of the 2050 Plan by the reduction in the demands for TDR’s.

There is a reduced demand for TDRs as the basis for the assertion that the Hamlet Land use designation on the subject 6000 +/- acres is no longer needed for the 2050 Plan to function.

The reduction in the TDR demand is a change to the underpinning conditions on which the 2050 Plan was based.

If there is less demand needed for TDR’s in order for the 2050 Plan to function, then there does not appear to be critical need for the mechanism to create as many of them. Therefore, this is a change to the underpinning conditions to which the 2050 Plan was responding when it was developed. (Wm. Spaeth April 30th, 2019 DRC letter.)

Fiscal Neutrality

The fact that these lands are also not developable in the Hamlet land Use without the financial assistance afforded through a utility extension agreement with the County is a further indication that these subject +/- 6000 acres are a likely candidate for reducing the ability to produce TDRs. The need for a utility extension agreement in order to develop the Hamlet form on the subject lands raises questions related to a main principle of the 2050 Plan that development be fiscally neutral to the County and its residents. (Wm Spaeth April 30th 2019 DRC letter.)

Urban Sprawl

“A series of Hamlets having a total of 6000 acres with 2,400 homes would be considered sprawl when looking at it with the typical concerns raised to residential development sprawling eastward.” (Wm Spaeth CPA-2019-C April 30th 2019 DCR letter.)

You, the Board of County Commissioners

2050 was adopted by a different Board of Commissioners. You deserve the right to review those decisions based on what we know today.

Thank you for your consideration to direct staff to process CPA-2019-C as a publicly initiated Comprehensive Plan with all the attendant reviews.

