

SARASOTA COUNTY GOVERNMENT
PLANNING & DEVELOPMENT SERVICES

TO: Sarasota County Commission

THROUGH: Randall H. Reid, County Administrator

FROM: Thomas C. Polk, Director, Planning and Development Services

DATE: January 30, 2013

SUBJECT: Sarasota 2050 Policy/Regulatory Issue Identification Update

RECOMMENDED MOTION(S) OR ACTION(S):

Initiate appropriate measures to determine the county's ability to respond to these private sector identified issues and report back to the Sarasota County Board of Commissioners within 90 days.

BACKGROUND:

As part of the recent Growth Management Workshop, the Board wanted to gain input from the private sector in the identification of issues and concerns related to the processing and construction of a 2050 development project.

RELEVANT PRIOR BOARD ACTION:

1. September 18, 2012 – Growth Management Workshop
2. November 8, 2012 – Board Update memorandum issued.

ANALYSIS:

Over a series of ten meetings staff met with owners and representatives of Lakewood Ranch Villages South (Schroeder-Manatee Ranch) and the Grand Palm development (Neal Communities) as directed by the Board. In addition, staff held discussions with the majority of owners and representatives of approved or eligible Sarasota 2050, Settlement, Village and Hamlets lands (see attached list of meetings). These engaged dialogues have provided staff with a starting basis of recognized issues which include (see attached issues listing):

1. Fiscal Neutrality;	5. Walk-ability Requirements;
2. Housing Type Requirements;	6. Density Limitations;
3. Open Space / Buffer Requirements;	7. Flexibility Limitations; and
4. Commercial Location Requirements;	8. Several specific limitations.

RECOMMENDATIONS:

- A. Prepare a Scoping Document per County Code Sec. 94-85, identifying anticipated issues, public engagement, anticipated timeline and workload inclusive of any potential consultant service needed.
- B. Initiate appropriate implementation actions, including preliminary engagement opportunities with the community.

Attachments: 1) List of meetings with Sarasota 2050 private-sector stakeholders.
2) List of private sector identified issues with Sarasota 2050 Policy/Regulations.

2050 MEETINGS WITH PRIVATE SECTOR DEVELOPERS

- September 26, 2012 – meeting between Administrative staff, Schroeder – Manatee Ranch and Neal Communities
- October 12, 2012- meeting on Settlement Areas
 - Representatives of Neal Communities – Bill Waddell, Kelly Klepper
- October 12, 2012- meeting on Village Open Space RMA
 - Representatives of Schroeder-Manatee Ranch – Todd Pokrywa, Jim Paulmann
- November 26, 2012 - meeting on Hamlets
 - Rod Krebs
- November 29, 2012 – meeting on Hamlets
 - Representatives of Neal Communities: Kelley Klepper, Bruz Noel and Bill Waddell
- December 3, 2012 – meeting on Settlement Areas and Hamlets
 - John Cannon, Mike Finley
- December 10, 2012 – meeting on Village Open Space RMA
 - Hi Hat Ranch, Jim Turner
- December 18, 2012; meeting on Village Open Space RMA
 - Representatives of Palmer Ranch: Justin Powell and Jim Paulmann
- January 4, 2013; meeting on finalized list of issues
 - Group meeting with private sector developers
- January 11, 2013; meeting on finalized list of issues
 - Group meeting with private sector developers

2050 Policy & Regulation Issue Identification

This document is a summarization of feedback received from a series of meetings held with private sector representatives of approved and potential Sarasota 2050 developments. It is generally organized around common themes expressed by those individuals. Staff conducted an initial read of the 2050 Policies and related Zoning Regulations, providing the specific citation(s)* of the source policy and/or regulation associated with each feedback comment.

A. Fiscal Neutrality Issues

Initial Read

SA, V, & H	Zoning Section 11.2.14. should be amended to eliminate having to revisit fiscal neutrality every phase of a development or on an annual or bi-annual basis. This is because of the uncertainty that it creates for the financing of a project, which is especially impactful in light of the lending environment today (post 2007) having more emphasis on predictability.	Comp. Plan policy VOS1.4. bullet #10 & VOS2.9. would need changing.
SA, V, & H	The state's proportionate share, and all impact fee requirements need to be factored into the fiscal neutrality issue.	Same as above.

B. Housing Type Issues

Initial Read

SA, V, & H	Zoning Section 11.3.11.e. should be amended to allow administrative modifications to the number of housing types required down to a certain number, and developers should be allowed to introduce new housing types in response to market conditions.	Comp. Plan change not required.
SA	Zoning Section 11.2.4.c.4.v.(b) should be amended to allow a higher percentage of one housing type within a neighborhood.	Comp. Plan change not required.
V	Zoning Section 11.2.3.c.4.iv.(b) should be amended to allow a higher percentage of one housing type within a neighborhood.	Comp. Plan change not required.
H	Zoning Section 11.2.2.c.5.i. should be amended to include an additional housing types with a lot size greater than or equal to a half acre and less than an acre; equal to or greater than one acre and less than two acres; and equal to or greater than two acres.	Comp. Plan change not required.

C. Open Space / Buffer Issues

Initial Read

SA, V, & H	Zoning Section 11.2.9.c.3. should be amended to allow for Pine Flatwoods conservation to be determined based on technical criteria with more emphasis placed on value and function (corridors, connectivity, etc.), not on required Open Space percentages. This would open opportunities to address natural environmental systems, which if identified early in the plan development process could be more effectively incorporated into a project.	Comp. Plan policy ENV4.5.1 would need changing.
SA, V, & H	Zoning Section 11.2.9.c.2.i. should be amended to eliminate the requirement to record conservation easements up front, but should follow a process similar to the Palmer Ranch system which was initially based on a generalized habitat preservation prioritization (the "Eastside Analysis") and subsequently allowing for the process of more specifics being applied as each community within Palmer Ranch was pursued.	
SA, V, & H	Zoning Section 11.2.5.h. should be amended to allow more active recreational uses within areas designated as Open Space.	

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SA, V, & H	Zoning Section 11.2.9.c.4. should be amended to clarify that interconnected wetlands and open space within the Developed Area qualify as Open Space.	Comp. Plan Open Space Def. would need changing.
V & H	Zoning Section 11.4. should be amended to clarify/codify that Open Space includes lakes and lake banks if they have a min. of 25% public access along the edge and public access is allowed, as long as all natural habitat and environmental objectives are accomplished.	Comp. Plan RMA Def. would need changing.
V & H	Zoning Section 11.2.10. should be amended to clarify that greenbelts, viewsheds, and perimeter buffers be responsive to site conditions on a case by case basis (such as along Fruitville Road, etc.).	Comp. Plan policy VOS5.1. & VOS5.2. would need changing.
V & H	Zoning Section 11.2.9.b.2.vi. should be amended to allow adjustments to Greenway RMA designations subsequent to a more detailed analysis of a site that may allow for a reduction to the required 500ft. buffers on both sides of a named creek or flow-way. (Note: Comp. Plan designates a requirement of 550ft.)	Comp. Plan Figure RMA-1 & RMA-3 would need changing.
V	Zoning Section 11.2.9.b.1. should be amended to allow Greenway RMA to count towards the Open Space requirement.	
H	Zoning Section 11.2.2.c.3.i. should be amended to reduce the required amount of Open Space required within a Hamlet because larger lots within Hamlets will have substantially more private open space.	Comp. Plan policy VOS1.2.b. would need changing.

D. Commercial Location Issues

Initial Read

SA	Zoning Section 11.2.4.d. should be amended to improve the commercial components ability to succeed. It should not be required to be located internally within a project, however it should still be integrated with the development. Additionally, the required market study per Zoning Code Section 11.2.4.c.4.iv.(a) should be allowed to be followed and the prescribed table within Section 11.2.3.c.4.iv.(a)(3)(d) should be eliminated.	Comp. Plan change not required.
V	Zoning Section 11.2.3.d. and 11.2.7.e.3.i. should be amended to improve the commercial components ability to succeed. Village Centers should not be required to be located internally within a project, however it should still be integrated with the development. Additionally, the required market study per Zoning Code Section 11.2.3.c.4iii should be allowed to be followed and the prescribed table within Section 11.2.3.c.4iii(b)(3)(e) should be eliminated.	Comp. Plan change not required.
V	Zoning Section 11.2.3.b. and 11.2.3.d.3 should be amended to allow for no Village Center or multiple Village Centers in the event that it can be justified through the required market study.	Comp. Plan policy VOS1.4. would need changing.
V	Zoning Section 11.2.3.d.4. should be amended to eliminate arbitrary mix of land uses within the Village Center(s). The mix should be a function of the market study.	Comp Plan policy VOS 1.2a

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		would need changing.
H	Zoning Section 11.2.2.c.3.iii should be amended to improve the optional focal points commercial components ability to succeed. It should not be required to be located internally within a project, however it should still be integrated with the development.	Comp Plan change not required.

E. Walk-ability Issues

Initial Read

SA	Zoning Section 11.2.4.e. should be amended to allow the walk-ability provisions (a majority of the residences of a neighborhood shall be within a ¼ mile radius of the Neighborhood Center) because of the population age group within Sarasota County and there are other ways to address this issue such as incentivizing Low Speed Vehicles.	Comp. Plan policy US4.2. would need changing.
V	Zoning Section 11.2.3.e. should be amended to allow the walk-ability provisions (a majority of the residences of a neighborhood shall be within a ¼ mile radius of the Village Center) because of the population age group within Sarasota County and there are other ways to address this issue such as incentivizing Low Speed Vehicles.	Comp. Plan policy VOS1.3., & VOS1.4., would need changing.
H	Zoning Section 11.2.2.c.3.iii.(a) should be amended to allow the walk-ability provisions (a majority of the residences of a neighborhood shall be within a ¼ mile radius of the Focal Point) because it results in a high number of small lots (60ft. wide) for which there is no demand in the marketplace.	Comp. Plan policy VOS1.3., VOS1.4., & US4.2. would need changing.
H	Zoning Sections 11.2.2.3.iii.(a). and 11.2.6.d.1. should be amended to allow for multiple focal points with an expanded definition of focal points not constrained by the 4,000' separation requirement.	Comp. Plan policy VOS1.2.b. would need changing.
H	Zoning Section 11.2.2.c.ii.(b). should be amended to eliminate the 400 unit maximum for an individual Hamlet because it is an arbitrary number.	Comp. Plan policy VOS1.2.b. would need changing.

F. Density Issues

Initial Read

SA, V, & H	Zoning & policy should be amended to clearly state allowed density on a gross acre basis.	
SA, V, & H	Zoning & policy should be amended to clearly codify what qualifies as being eligible to derive dwelling unit counts from.	
SA, V, & H	Zoning & policy should be amended to allow for increases in density.	
H	Zoning Section 11.2.2.c.1. should be amended to allow 1.5 DU/developed area acre to facilitate planning around existing land forms / constraints (power lines, etc.).	Comp. Plan policy VOS1.2.b. would need changing.

G. Flexibility Issues

Initial Read

SA, V, & H	Zoning Section 11.3.11.e. should be amended so that the waiver and modification provisions are not overly rigid, and the approval should not always require the Board approval. Dwelling unit and Green Belt limitations provide no incentive for adjacent property owners to work together on coordinated developments, thereby limiting	Comp. Plan policy changes may be required dependent on
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	opportunities for better developments or for larger properties to be master planned together. Set goals and objectives and then allow flexibility to meet them.	the subject of modifications.
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H. Misc. Issues

Initial Read

SA	Zoning Section 11.2.4.c.4. should be amended to modify the 4000 DU limit.	Comp. Plan policy US4.1. would need changing.
SA & V	Zoning Section 11.1.6. and 11.2.7. should be amended to re-evaluate the “new urbanism” form of development (i.e. block structure, block size, designation of A and B streets, rear alleys, number of connections, etc.) because it is overly prescriptive. Such standards should also be determined and reviewed/approved administratively at the neighborhood plan stage.	Comp. Plan policy US4.2., ED2.1., VOS1.4. & VOS2.5.
V & H	Zoning & Policy should be amended to modify the locations of Villages and Hamlets to account for varied environmental constraints.	Comp. Plan RMA maps would need changing.
V	Zoning Section 11.2.3.c.4.i. should be amended to eliminate the 1000 Developed acre minimum Village size because it is arbitrary.	Comp. Plan policy VOS1.2.a.; & VOS2.1.(a).1. would need changing.
V	The Comp. Plan policy provision for a 15 year timing separation between Village approvals is arbitrary as well as the limitation on the number of Villages that are allowed north of Fruitville Road, and should be eliminated.	Comp. Plan policy VOS2.1.(a).5. & VOS2.1.(a).6 & 7 would need changing.
V	Zoning Section 11.2.3.c.4.v. should be amended to reduce the affordable housing administrative complexity of the provisions and provide for administrative level review/approval or be eliminated.	Comp. Plan policy VOS1.4 may need changing.
V	Zoning Section 11.2.11 a.2.c and Table 11.3.1 should be amended to allow for an analysis of the project’s impact on school supply and demand on-site and off-site. A current or future school site adjacent, or in close proximity, to a village property may provide sufficient capacity to service Village demand.	Comp Plan change not required.