

*DEFENDERS OF CROOKED LAKE,
INCORPORATED
P.O. Box 191
Babson Park, Florida 33827*

September 28, 2007

Department of Community Affairs
Division of Community Planning
Via fax and e-mail:
Fax: (850) 488-3309
mike.mcdaniel@dca.state.fl.us
brenda.winningham@dca.state.fl.us

City of Frostproof
111 West First Street
Frostproof, FL 33843

Re: Objections to City of Frostproof Plan Amendment LS-07-02; Crooked Lake

Dear Department of Community Affairs and City of Frostproof:

Please find the above referenced plan amendment “not in compliance” with 9J-5 F.A.C. and internally inconsistent with duly adopted plan policies contained in the Comprehensive Plan intended to prevent sprawl.

The **proposed amendment exhibits the characteristics of urban sprawl**. Our objections under the urban sprawl criteria of 9J-5.006(5)(G) F.A.C are set forth below in this letter. Internal consistency with the duly adopted existing plan is required by ch. 163.3177 and 163.3187.

The proposed plan amendment is inconsistent with urban sprawl policies contained in both the City of Frostproof and Polk County Comprehensive Plan (this parcel was only recently annexed into the City of Frostproof by its owners who are seeking “zoning by annexation” allowing higher density than would have been allowed or approved under the Polk County Comprehensive Plan). The proposed Comprehensive Plan Amendment should be denied as promoting urban sprawl.

URBAN SPRAWL:

The proposed Comprehensive Plan Amendment for Crooked Lake meets the definition of urban sprawl contained in Florida Administrative Code defines “Urban Sprawl” in 9J-5.003 Definitions (134):

“Urban sprawl” means urban development or uses which are located in predominantly rural areas, or rural areas interspersed with generally low-

intensity or low-density urban uses, and which are characterized by one or more of the following conditions:

- (1) The premature or poorly planned conversion of rural land to other uses;
- (2) The creation of areas of urban development or uses which are not functionally related to land uses which predominate the adjacent area; or
- (3) The creation of areas of urban development or uses which fail to maximize the use of existing public facilities or the use of areas within which public services are currently provided. Urban sprawl is typically manifested in one or more of the following land use or development patterns: Leapfrog or scattered development; ribbon or strip commercial or other development; or large expanses of predominantly low-intensity, low-density, or single-use development.

CROOKED LAKE PLAN AMENDMENT FAILS ON A MAJORITY OF FLORIDA DEPT. OF COMMUNITY AFFAIRS (DCA's) PRIMARY INDICATORS OF SPRAWL IN 9J-5.006(5)(G) F.A.C because it:

INDICATOR: Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need.

INDICATOR: Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.

INDICATOR: Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.

INDICATOR: As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

INDICATOR: Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.

INDICATOR: Fails to maximize use of existing public facilities and services.

INDICATOR: Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services,

including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

INDICATOR: Fails to provide a clear separation between rural and urban uses.

INDICATOR: Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

INDICATOR: Fails to encourage an attractive and functional mix of uses.

INDICATOR: Results in poor accessibility among linked or related land uses.

INDICATOR: Results in the loss of significant amounts of functional open space.

In reviewing the thirteen (13) indicators found in Florida Dept. of Community Affairs primary indicators of sprawl in 9J-5.006(5)(g) F.A.C the majority of indicators are triggered by this Crooked Lake Comprehensive Plan Amendment and collectively reflect a failure to discourage urban sprawl.

INTERNAL CONSISTENCY

THE SIGNIFICANCE AND ROLE OF THE DULY-ADOPTED COMPREHENSIVE PLAN

The State of Florida accords a central role in planning in this State to the Comprehensive Plan. It is fully recognized as a legally enforceable document in the courts of this State. Indeed, all units of government must adopt and comply with the Comprehensive Plan. Plan Amendments must also be internally consistent under Fla. Stat. 163.3177 and 163.3187(2)

A. As indicated in 163.3161 Florida Statutes:

(1) This part shall be known and may be cited as the "Local Government Comprehensive Planning and Land Development Regulation Act."

(2) In conformity with, and in furtherance of, the purpose of the Florida Environmental Land and Water Management Act of 1972, chapter 380, it is the purpose of this act to utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and control future development.

...

(5) It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.

(6) It is the intent of this act that the activities of units of local government in the preparation and adoption of comprehensive plans, or elements or portions thereof, shall be conducted in conformity with the provisions of this act.

B. The 1985 Amendments and the recently passed Senate Bill 360 in 2006 have strengthened the mandate of Comprehensive Plans. As indicated in 163.3194 legal status of comprehensive plan.--

(1)(a) After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.

C. Plan Amendments must also be internally consistent under Fla. Stat. 163.3177 and 163.3187(2)

Fla. Stat. §163.3177

(2) Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent, and the comprehensive plan shall be financially feasible. Financial feasibility shall be determined using professionally accepted methodologies.

...

6) (a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land.The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land...

Fla. Stat. §163.3187 Amendment of adopted comprehensive plan.--

(2) Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177(2). Corrections, updates, or modifications of current costs which were set out as part of the comprehensive plan shall not, for the purposes of this act, be deemed to be amendments.

The proposed plan amendment is inconsistent with urban sprawl policies contained in both the City of Frostproof and Polk County Comprehensive Plan (this parcel was only recently annexed into the City of Frostproof by its owners who are seeking “zoning by annexation” allowing higher density than would have been allowed or approved under the Polk County Comprehensive Plan).

Rule 9J-5006.(5)(g). F.A.C. describes those aspects or attributes of a plan or plan amendment which, when present, indicates that the plan or plan amendment may fail to discourage urban sprawl. The presence and potential effects of multiple indicators shall be considered to determine whether they collectively reflect a failure to discourage urban sprawl.

In reviewing the thirteen (13) indicators found in Florida Dept. of Community Affairs primary indicators of sprawl in 9J-5.006(5)(g) F.A.C the majority of indicators are triggered by this Crooked Lake Comprehensive Plan Amendment and collectively reflect a failure to discourage urban sprawl.

We, as citizens of the City of Frostproof and adjacent unincorporated areas of Polk County, ask DCA to recommend the City of Frostproof not adopt the proposed Crooked Lake Comprehensive Plan Amendment and if adopted, find the amendment to be “not in compliance.”

Sincerely,

PATTY MCKEEMAN
President, Defenders of Crooked Lake, Inc. and
as an Individual

And the following, as individuals and members of Defenders of Crooked Lake, Inc. :

<u>Landowner/Resident</u>	<u>Physical Address</u>	<u>Mailing Address (if different)</u>
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