

# OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

## PROPOSED COMPREHENSIVE PLAN AMENDMENT

### CITY OF FROSTPROOF (DCA No. 08-2)

#### I. CONSISTENCY WITH CHAPTER 163, F.S., and RULE 9J-5, F.A.C.

##### A. Amendments 2008-17 and 2007-18

The Department has identified the following objections to the proposed City of Frostproof Comprehensive Plan Amendment.

##### 1. Objection-Urban Sprawl

The proposed amendments are not supported by adequate data and analysis demonstrating that the amendments discourage the proliferation of urban sprawl. Amendments 207-17 and 2008-18 create an enclave of residential use surrounded entirely by environmental conservation, agricultural, and rural residential land uses miles from the City's Center. The area is proposed to change from County Agricultural/Rural Residential (1 unit/5 acres) to City Traditional Neighborhood Use (established by policy), which would result in 2,152 additional residential units. This will allow substantial areas of the jurisdiction to develop as low-density, low intensity single use development in excess of demonstrated need. The amendment, as proposed, does not provide for a clear separation between urban and rural land uses, and will result in the premature or poorly planned conversion of rural land to other uses, failing to protect and conserve natural resources, such as wetlands and other resources. Amendment 2007-18 is adjacent to Lake Moody and Lake Lenore, and the data and analysis indicates that about 25 percent of the site is wetland or surface waster areas. Amendment 2007-17 is located less than 200 feet from a branch of Crooked Lake, that is rated as an Outstanding Florida Quality Water body by FDEP. Thus, the amendments do not reflect the importance of protecting these resources through City land use pattern that maximizes open space and protects environmental resources.

Rules 9J-5.005(2), 9J-5.006(3)(b) and (c), and 9J-5.006(5)(g), F.A.C.; and Sections 163.3177(6)(a) and 163.3177(8), F.S.

##### Recommendation

Do not adopt the amendment

##### 2. Objection-Need

The proposed amendments are not supported by data and analysis demonstrating the need for the additional land designated for residential use in order to accommodate the City's projected population growth within the planning timeframe of the City's Comprehensive Plan.

Specifically, the proposed amendment is not supported by a land use needs analysis, acceptable to the Department which demonstrates the need for the residential use to accommodate the Comprehensive Plan's projected population growth within the short-term and long-term planning timeframe in light of the current undeveloped residential potential that exist in the City. The amendment includes supporting population projections which are derived from a study prepared by Fishkind and Associates entitled Residential Land Use Needs Analysis in Frostproof, Florida. The analysis uses a projected rate of growth which outpaces historical growth trends for the City. The population of the City is projected to more than triple over the next 22 years. The analysis assumes that the City will have an increasing proportion of the overall County and Regional growth rate based on the fact that the City has recently expanded its municipal boundary, and the fact that the City is located within the rapidly developing US 27 corridor. This is inappropriate because, considering the circumstances associated with Frostproof, land area is not a primary causative demographic factor upon which population projection should be based. Thus, the City's justification of the need for the amendments is based on a population projection methodology which is not professionally acceptable and; therefore, not approved by the Department.

Rules 9J-5.005(2), 9J-5.006(2)(b)(c) and (3)(b), 9J-5.011(1)f., and 9J-5.013(1)(c), F.A.C.; and Sections 163.3177(2)(4)(a), and 163.3177(6)(a)(c) and (d),(8), and (10)(e),

Recommendation

Do not adopt the amendment

**3. Objection-Water Resources**

The amendment does not demonstrate that adequate water supply will be available to serve the site in the short and long term planning timeframes. The amendment identifies that the demand for potable water, from amendments 2008-17 and 2008-18, will be 558,200 MGD by the project buildout in 2030. The City does not have the available capacity through its existing water system to serve the amendments. The City proposes to use the existing CUP allocation from agricultural wells on these sites to service the additional development resulting from the land uses changes. The existing CUP average daily capacity is 597,700 GPD. To serve the site the City is assuming that these agricultural wells will be converted to potable use at a rate of nearly 1:1, which according to the Southwest Florida Water Management District is not realistic. The data and analysis should reflect a realistic rate of conversion, and then identify the other sources of potable water required to accommodate the proposed land use change.

Section 163.3167(13), 163.3177(2)(4)(a), and 163.3177(6)(a)(c) and (d),(8), and (10)(e), Rules 9J-5.005(2), 9J-5.011(1)f., and 9J-5.013(1)(c), F.A.C.

Recommendation

Do not adopt the amendment

**4. Objection-Public Schools**

The amendment is not supported by data and analysis which demonstrates the availability or planned availability of school capacity to serve the land uses of the amendment. The amendment will generate as many as 584 elementary, middle and high school students. At least two of the schools which serve the amendment sites are at or near capacity: Frostproof Elementary School, and Frostproof Middle School. The amendment indicates that the School Board has identified that need for additional schools in the project's vicinity, but identifies no current plans to establish additional school sites in the area.

Rules 9J-5.005(2), 9J-5.006(2)(a), 9J-5.025(2)(a)-(h), F.A.C. and Section 163.3177(12)(c), F.S.

Recommendation

Do not adopt the amendment

**5. Objection- Energy Efficiency and the Reduction of Green House Gas Emissions**

House Bill 697 which went into effect on July 1, 2008, requires any proposed FLUM amendment for which a transmittal hearing was conducted on or after July 1, 2008 to discourage urban sprawl, promote energy-efficient land use patterns, and reduces greenhouse gas emissions. Pursuant to Section 163.3177(6)(a) and (b), F.S., and the minimum requirements in Rule 9J-5.006(5), F.A.C., Amendments 2008-17 and 2008-18 do not demonstrate the use of energy-efficient land use patterns that will reduce greenhouse gas emissions. The isolated location of the amendment sites, miles from the City Center, will increase the amount of vehicle miles driven in order to access basic provisions and services.

Rules 9J-5.005(2) and (5), 9J-5.006(2)(b)(c), (3)(b)1, and 8., 9J-5.011(2)(b)3, and 9J-5.013(1)(a)1 and (b), F.A.C., Sections 163.3177(2), (6)(a),(b) and (j), and (8), F.S.

Recommendation

Do not adopt the amendment

**B. Amendment 2008-39**

Amendment 2008-39 proposes to redesignate a 80.67 acre parcel from Residential Low-1 (1 unit/acre) to Public Institution (FAR 1.0, 25 percent open space required)

**6. Objection-Public Facilities and Site Suitability**

The amendment is not supported by data and analysis of the impacts on public facilities including roadways. Also the amendment is not accompanied by an analysis of the suitability of the proposed use for the subject site. According to information provided, the land use change is to facilitate the location of a wastewater treatment facility on the site. However, no site specific policy has been proposed to limit development on the site to a wastewater treatment facility.

Rules 9J-5.005(2), 9J-5.006(2), 9J-5.013(1)(a) and (b), 9J-5.016(1)(a), 9J-5.016(2)(b),(c), and 9J-5.016(4)(a), 9J-5.019(3)(b), F.A.C., Sections 163.3177(2), 163.3177(3)(a)5, 163.3177(6)((a)(c), 163.3177(8), 163.3177(10)(e), F.S.

Recommendation

Revise the amendment to include the necessary data and analysis to demonstrate that the project will not have an impact on public facilities. Since the City is intending to develop a wastewater facility on the site, the City should establish in the plan a site specific policy limiting development to a wastewater treatment facility. The amendment must also be revised to demonstrate that the proposed land use is suitable for the subject site.

**II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN**

The proposed amendment does not adequately address the State Comprehensive Plan with regard to the following goals and policies:

- (7)(a) Water Resources, Policies (b)2, 5., 8., and 10.
- (9)(a) Natural Systems and Recreational Lands, Policies (b)1.,2.,3., and 7.
- (15)(a) Land Use, Policies (b)1., 2., and 3
- (17)(a) Public Facilities, Policies (b)6. and 7
- (19)(a) Transportation, Policy (b)3.