

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee DATE: 1/06/10 FILE: PGM10-72

SUBJECT: CPAL10-1(04) Staff Initiated
Comprehensive Plan Amendments –
Planned Development Open Space,
Wetland Mitigation, and FLU Subarea
DRC: Jan 14, 2010, 1:30 p.m., DC
Cont. from Dec 17, 2009, 1:30 p.m.,
NPR
Recommendation: Approval

FROM: Richard E. Gehring REFERENCES: All Comm. Dists.
Growth Management Administrator Project Planner: Quanlin Hu

DESCRIPTION AND CONDITIONS

Summary

Proposed are amendments to the Comprehensive Plan addressing the following issues:

- Employment Center FLU classification
- Planned Development FLU Classification
- Sub-Area Policies
- Wetland Mitigation

Discussion – Action Since December 17, 2009 DRC Meeting

• **Employment Center FLU Classification**

At the December 17, 2009 Development Review Committee meeting, staff was requested to examine whether the requirement for a simultaneous submission of a Comprehensive Plan amendment request and rezoning to EC was overly burdensome on applicants and should be modified. After due consideration, staff recommends that the EC - FLU requirements be amended to require MPUD approval prior to development, but not simultaneous with the request for Comprehensive Plan amendment. The following amendment is recommended:

EC (EMPLOYMENT CENTER)

3 Guiding Principles

- a- Future Land Use Classification Requires Rezoning: Comprehensive Plan Amendments to employment center land use are required to be rezoned to an MPUD Master Planned Unit Development Zoning District or an Employment Center Planned Development prior to development. ~~Any Future Land Use Map amendment request for employment center land use, with the exception of administrative amendments processed by the County in conjunction with an overall update to the Comprehensive Plan, must be accompanied by a rezoning request and a Master Development Plan as provided for in the Land Development Code.~~

• **Planned Development Future Land Use Classification**

As a result of looking at the rezoning requirement for EC applications, staff has reviewed a similar requirement contained in the PD designation. PD currently requires a simultaneous submission of a rezoning application. Because the PD classification is very flexible, staff is recommending a modified approach which would:

- Require a single MPUD prior to development; and
- Require submission of a concept plan specifying a range of uses, density and residential unit totals, intensity and maximum square feet, and guiding development principles with the application to PD. The concept plan, as approved, would become part of the sub-area policies for the PD.

The specific amendments are as follows:

PD (PLANNED DEVELOPMENT)

Intent: To provide for a variety of land uses and intensities within a development site to preserve conservation areas above and beyond Land Development Code requirements; reduce public investment in provision of services; encourage flexible and creative site design; and provide sites for schools, recreation, and other public facilities which provide an areawide benefit to the community.

Comprehensive Plan Amendment requests for the assignment of a PD (Planned Development) Future Land Use Classification must be accompanied by a concept plan identifying: the range of uses, density, intensity, maximum units and non-residential square feet. The concept plan shall also show a general arrangement of land uses and shall articulate the guiding development principles for the Planned Development. All Planned Developments require a rezoning request to either MPUD Master Planned Unit Development or commercial planned development prior to development. All rezoning requests must be accompanied by a Master Development Plan as set forth in the Land Development Code. Such plans shall address, at a minimum, buffering, setbacks, lighting, and building heights to ensure compatibility with adjacent uses.

If the proposed plan does not or cannot achieve the desired level of compatibility as determined by the Board of County Commissioners, the Board of County Commissioners may deny the rezoning request.

PD (Planned Development) Land Use Classifications are made through ~~applicant-requested~~ amendments to the Future Land Use Map. ~~Comprehensive Plan Amendments to PD (Planned Development) must be accompanied by a rezoning application including a Master Development Plan.~~

General Range of Potential Uses:

Mixed-use developments (residential and nonresidential uses on the development site); residential developments with a range of unit types and densities; nonresidential developments such as office, commercial, industrial, elementary schools, middle schools, and high schools; attendant-on-site facilities such as utilities and recreation areas. Service and facility requirements will vary according to development intensity. Services and facilities are to be at a minimum, consistent with the requirements of comparable individual (residential, office, commercial, industrial) land use classifications for uses on the development site (see Exhibit 2-1, Services and Facilities by Classification).

Special Provisions and Mix of Uses:

1. Future Land Use Classification Requires Concept Plan and Rezoning: Comprehensive Plan Amendments to PD (Planned Development) must be accompanied by a concept plan as provided above, rezoning request and Master Development Plan as provided for in the Land Development Code. The specific mix of uses of the land use classification will be established at the time that the classification is assigned. The specific arrangement of uses shall be determined upon completion of having completed all required development review processes provided for the MPUD Master Planned Unit Development and commercial planned development zoning districts as described in the Land Development Code of Pasco County. ~~The Comprehensive Plan Amendment shall not be processed until all reviews and requirements associated with the rezoning are completed, notwithstanding the provision that the said classification may occur concurrently with approval of the final master plan.~~

Discussion – Amendments Recommended at the December 17, 2009 DRC Meeting

The following amendments were presented at the December 17, 2009 DRC meeting. No changes are recommended.

- **Planned Development Future Land Use Classification**

The Planned Development Future Land Use classification was established to allow the County to tailor a specific range of uses to a property. This classification allows for greater locational flexibility. However, there have been some difficulties in implementing the classification.

Specifically, the classification requires twenty-five percent of the buildable area be set aside as open

space. This requirement is much too stringent for a classification that was created to provide flexibility. While it is recognized that open space is a significant benefit to environment, whether urban or rural, the current Comprehensive Plan requirement leaves the County with limited flexibility to address site specific needs. This will be particularly problematic as the County seeks to intensify non-residential development.

The following amendment is proposed:

Special Provisions and Mix of Uses

3. Minimum Open Space: ~~A minimum of twenty-five percent of the total buildable land area must be designated as open space areas.~~ Open space areas shall be designated as appropriate to meet the needs of the project, the community, and the vision of the market area in which the Planned Development is located.

The second issue is the minimum project size of ten acres. Again, this limitation gives the County limited flexibility in dealing with smaller sites that require the flexibility and creativity afforded by the PD classification. It should be noted that because a PD classification is done as both a text and map amendment, this classification would require a large-scale amendment and subsequently more rigorous review process to implement. The following amendment is proposed:

Special Provisions and Mix of Uses

6. Minimum Size: Mixed-use planned developments are required to be a ~~minimum of ten (10) acres in the size~~ necessary in order to effectively design the site for residential and non-residential uses.

- **Sub-Area Policies**

One way to address site specific issues in the land use plan amendment process is through the use of sub-area policies. These are used to identify maximum development totals and to prescribe the approach to other critical issues as the site moves through the development process. While the current provision of the Comprehensive Plan specifically references Developments of Regional Impact, (DRI) the use of sub-area policies has not been limited in practice to DRIs. The proposed amendment eliminates this confusion. The proposed amendment also recognizes the role of the Market Area strategies. The proposed amendment is as follows:

GOAL FLU 7 FUTURE LAND USE SUBAREAS

The County may identify subarea policies ~~that are accompanied by a Development of Regional Impact Application for Development Approval~~ where 1) the maximum density and intensity of certain Future Land Use classifications would enable development for which there is inadequate public facilities, services or infrastructure to serve the maximum development potential of the land use classification; or 2) the subarea otherwise requires additional constraints or conditions to a) ensure consistency with the Comprehensive Plan; b) further implementation of the Market Area Strategy or ~~b) c) ensure~~ compatibility with surrounding land uses.

- **Wetland Mitigation**

In addition to the mitigation required by other regulatory agencies, Pasco County has established in the Comprehensive Plan wetland mitigation requirements. These requirements are then implemented in the Land Development Code. In endeavoring to make the Land Development Code requirements clearer, staff has referred back to the underlying Comprehensive Plan provisions. In the case of Category I wetlands, however, the Comprehensive Plan is not clear. It is recommended that the current policy CON 1.3.8 be revised as follows:

Current CON 1.3.8 (para 1)

Where the requirements of Policy 1.3.6 are met, Category I wetlands may be impacted if mitigation for the impacts, unless otherwise approved by the County based on a mitigation plan that provides mitigation of equal ecological function and water quality or better than required herein, consists of the preservation, enhancement, and/or restoration of uplands and wetlands located within or immediately adjacent to critical linkages immediately adjacent to existing public conservation lands, immediately adjacent to rivers and named tributaries, occur within the seasonal high waterline of natural lake systems in which the open water portions of the lakes are greater than ten acres in size, or are contiguous with coastal marsh systems.

Proposed CON 1.3.8 (para 1)

Where the requirements of Policy 1.3.6 are met, Category I wetlands may be impacted if mitigation for the impacts is provided.

Unless otherwise approved by the County, mitigation shall be based on a mitigation plan providing mitigation of equal ecological function and water quality or better than required herein.

Mitigation may consist of the preservation, enhancement, and/or restoration of uplands and wetlands located:

- within or immediately adjacent to critical linkages;
- immediately adjacent to existing public conservation land;
- immediately adjacent to rivers and named tributaries;
- within the seasonal high waterline of natural lake systems in which the open water portions of the lakes are greater than ten acres in size; or
- contiguous with coastal marsh systems.

ALTERNATIVES AND ANALYSIS

1. Recommend approval of the amendments proposed by staff to the Local Planning Agency.
2. Recommend denial of the amendments proposed by staff to the Local Planning Agency.
3. Direct staff to pursue another course of action.

RECOMMENDATION

Planning and Growth Management staff recommends Alternative 1.

REG/CBC/QH/CPAL10-1(04)/DRC/pgm10-72