

Rick Scott
GOVERNOR



Cynthia R. Lorenzo
INTERIM EXECUTIVE DIRECTOR

March 16, 2012

The Honorable Keith Keene, Mayor
The City of Arcadia, Arcadia City Council
23 North Polk Avenue
Arcadia, Florida 34266

Dear Mayor Keene:

The State Land Planning Agency (the Agency) has completed its review of the proposed comprehensive plan amendment for the City of Arcadia (Amendment No. 12-1ER), which was received and determined complete on January 19, 2012. Copies of the proposed amendment have been distributed to the appropriate reviewing agencies for their evaluation, and their comments are enclosed. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S.

The attached Objections, Recommendations, and Comments Report outlines our findings concerning the amendment. We have identified two objections: the first is related to a change in Florida Statutes and the second identifies the need to include intensity standards for non-residential uses. Also included in the report are recommendations regarding measures that can be taken to address the objections. In addition, we are providing eight technical assistance comments consistent with Section 163.3168(3), F.S. The Agency's technical assistance comments will not form the basis of a challenge. The comments are technical or advisory in nature, or provide relevant information pertaining to changes in Florida Statutes, and will not form the basis of a challenge. They are offered as suggestions which can strengthen the City's comprehensive plan in order to foster a vibrant, healthy community or are technical in nature and designed to ensure compliance with the provisions of Chapter 163, Part II, F.S.

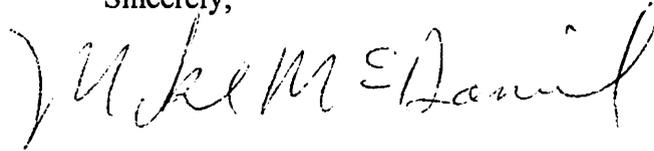
The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(4)(e)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.

The Caldwell Building 107 E. Madison Street Tallahassee, Florida 32399-4120
850.245.7105 TTY/TDD 1-800-955-8771 Voice 1-800-955-8770 FloridaJobs.org

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My staff and I are available to assist the City in addressing the issues identified in our report. If you have any questions, please contact Suzanne Lex, at (850) 717-8489, or by email at Suzanne.Lex@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive style with a large initial "M".

Mike McDaniel, Chief
Bureau of Community Planning

MM/skl

Enclosures: Objections, Recommendations and Comments Report
Adoption Procedures
Review Agency Comments

cc: Ms. Judi Jankosky, Assistant City Manager, City of Arcadia
Ms. Jennifer Codo-Salisbury, Planning Director, Central Florida Regional Planning Council

STATE LAND PLANNING AGENCY
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
FOR
THE CITY OF ARCADIA
PROPOSED AMENDMENT 12-1ER

March 16, 2012

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

THE CITY OF ARCADIA

PROPOSED COMPREHENSIVE PLAN AMENDMENT 12-1ER

I. Consistency with Chapter 163, Part II, Florida Statutes

The City of Arcadia's proposed comprehensive plan amendments address issues raised in the City's Evaluation and Appraisal Report, address changes to Florida Statutes (F.S.), and update the goals, objectives and policies of the comprehensive plan.

A. The Department raises the following objections to the proposed Evaluation and Appraisal Review Based Amendments:

1) Objection: Concurrency Provisions

The terms "Availability or Available" and "Concurrent with the Impacts of Development" in the Definitions Section incorporate by reference specific references to or provisions of Rule 9J-5, Florida Administrative Code (F.A.C.), to establish concurrency availability standards. However, Rule 9J-5, F.A.C., has been repealed and concurrency standards have been superseded by statutory requirements now set forth in Section 163.3180(2), F.S. As proposed, the City's Concurrency Management System policies do not include the appropriate concurrency standards for sanitary sewer and potable water facilities, solid waste, drainage, and for potable water supply, consistent with the standards established in Section 163.3180(2), F.S.

Authority: Sections 163.3180(1) and (2), F. S.

Recommendation: Revise the provisions of the Plan consistent with Section 163.3180(2), F.S., which requires that "sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent." Regarding potable water supply the statutes require that, "Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent."

2) Objection: Lack of Intensity Standard

Future Land Use Map Amendment No. 5 proposes to apply the Residential, Professional and Business (Mixed Land Use Overlay) future land use map category to 12 acres. The Overlay, as established in FLUE Policy 1.12, allows for low intensity professional and retail establishments, however, these business uses may not exceed the intensity of the underlying future land use category. The underlying land use categories associated with this map amendment are low and medium density residential. However, neither of these residential categories provides for an intensity standard governing the development of structures for non-residential uses.

Therefore, FLUE Policy 1.12, Residential, Professional and Business (Mixed Land Use Overlay), and proposed Future Land Use Map Amendment No. 5, are inconsistent with the provisions of Section 163.3177(6)(a)1, F.S., which requires that each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities.

Authority: Sections 163.3177(6)(a), F. S.

Recommendation: Revise FLUE Policy 1.12, Residential, Professional and Business (Mixed Land Use Overlay) to include an intensity standard for low intensity professional and retail development to be applied when an underlying land use category does not establish an intensity standard.

II. Technical Assistance Comments

1) Comment: Five-year Schedule of Capital Improvements:

Capital Improvements Element Policy 2.9 and the Five-year Schedule of Capital Improvements are not updated to reflect the projects for fiscal years 2011/12 through 2015/16. Although updates to the Five-year Capital Improvements Schedule may now be accomplished by ordinance and are not subject to state review, it must nevertheless be kept up to date. The City may revise the Policies and the Schedule as part of the adoption of this Amendment, or the City may accomplish an update the Five-year Capital Improvements Schedule by ordinance and it will not be deemed to be an amendment to the local comprehensive plan.

3) Comment: Water Supply Plan

Correspondence in the file indicates that the City is currently working on its Ten-year Water Supply Facilities Work Plan and anticipates transmitting the proposed amendment in the spring of 2012. As indicated in the comment letter from the Southwest Florida Water Management District, dated February 13, 2012, the Floridan aquifer system is an important state resource. The Department recognizes that the City is working on separate amendments to comply with the water supply conservation and planning measures established in statutes. The City should continue its efforts to update the Comprehensive Plan to include projects, conservation and reuse measures, and data and analysis pursuant to Sections 163.3177(4)(a); 163.3177(6)(c)3; 163.3177(6)(d)3; and 163.3177(6)(h)1, F.S.. The Plan update must include a work plan, covering at least a 10-year planning period, for building public, private, and regional water supply facilities, including development of alternative water supplies, which are identified in the Ten-year Water Supply Facilities Work Plan as necessary to serve existing and new development. Please contact Suzanne Lex at the Department if assistance is necessary to complete this planning requirement. The update to the 2006 Southwest Florida Water Management District's Regional Water Supply Plan was approved pursuant to Section 373.709., F.S., on July 26, 2011. Therefore, the City's Water Supply Plan should be consistent with the District's updated Regional Water Supply Plan. Access the 2010 Southwest Florida Water Management District's Regional Water Supply Plan at <http://www.swfwmd.state.fl.us/documents/plans/RWSP/>.

4) Comment: Outdated References

The definition section "D" still references the Department of Environmental Regulation. In addition, Conservation Element Objective One, Policies 2.4 and 4.2, contain an outdated reference to the Department of Environmental Regulation. This agency title should be updated to the Department of Environmental Protection. Conservation Element Policy 3.3 and the definition of "Environmentally Sensitive Land"

incorrectly reference the Florida Game and Freshwater Fish Commission. This agency title should be updated to Florida Fish and Wildlife Conservation Commission.

5) Comment: Recreation and Open Space Future Land Use Designation

As proposed, FLUE Policy 1.10 would be amended to allow Recreational Vehicles (RVs) at a density of 10 units to the acre in the Recreation and Open Space future land use designation. The City may want to consider including a residential density provision for on-site management. Typically, local governments allow for one permanent residential unit for oversight and management, for example one permanent residence per 100 RVs.

Furthermore, the Recreation and Open Space designation prohibits business uses. Many RV facilities are developed as a commercial operation with accessory uses, such as a pool, onsite grocery and other accessory uses and amenities. The City may want to establish an intensity standard to allow for commercial uses ancillary to the RV use. Alternatively, the City could establish an RV future land use category and allow for supporting commercial and caretaker uses. If the City should choose to create a new RV category, include not only a density standard for the recreational vehicle use, but also an intensity standard for ancillary commercial uses and a density standard for the ancillary caretaker use.

6) Comment: Housing Element

Housing Element Policies 2.2, 3.1, and 3.2 do not include provisions for adequate future housing sites intended for: 1) affordable workforce housing as defined in s. 380.0651(3)(h), F.S.; and 2) very low-income families consistent with s. 420.0004(17), F.S. The Department suggests that the City update these and other appropriate policies to include very-low income families and affordable workforce housing, which will ensure consistency with Section 163.3177(6)(f)1.d, F.S.

7) Comment: Rule 9J-5:

The proposed update to the Plan is quite thorough and the City has made a noticeable effort to comply with the previous requirements of Rule 9J-5, F.A.C., which was in effect at the time this Plan update was undertaken. The City should remove the references to Rule 9J-5, F.A.C., found in parenthesis following the policies, as the Rule has been repealed. The City could also revise any policies that incorporate references to the "Rule" as it is no longer in effect. The Department will assist the City with reviewing any of these changes if desired.

8) Comment: Proportionate Share:

If the City chooses to continue to implement transportation concurrency, during the next Evaluation and Appraisal cycle the plan must be amended to meet the requirement of Section 163.3180(5)(h), F.S. This includes an amendment to allow an applicant for a Development of Regional Impact, rezoning, or other land use development permit to satisfy transportation concurrency and Section 380.06, F.S., when applicable, through proportionate share mitigation consistent with the provisions of Section 163.3180(5)(h)3, F.S. During the interim, the City must apply the new statutory provisions to any plan amendments or development orders, particularly the new proportionate share provisions.

STATE COORDINATED REVIEW

**EXTERNAL AGENCY COMMENT/CITIZEN
COMMENTS**

- A. Receipt of Comments From External Review Agencies**

- B. Citizen Comments**

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2/6/12

February 2, 2012

Mr. D. Ray Eubanks, Plan Processing Administrator
Division of Community Planning
Department of Economic Opportunity
107 East Madison Street
Caldwell Building
Tallahassee, Florida 32399-4120

Dear Mr. Eubanks:

Re: Arcadia 12-1ER (Coordinated State Review)

Thank you for the opportunity to review the proposed Arcadia 12-1ER amendment package. According to the Department of Education's responsibilities under Section 163.3184(3)(b), Florida Statutes, I reviewed the amendment package considering provisions of Chapter 163, Part II, F.S. (the Community Planning Act), and to determine whether the proposal, if adopted, would have potential to create adverse impacts on public school facilities.

In addition to the evaluation and appraisal amendments, the package includes several proposed future land use map amendments. Based on the data and analysis provided, none of the map amendments appears to generate additional students that would increase demand for schools or create a compatibility concern with existing or future school sites. The package also includes a proposed Public School Facilities Element and associated amendments to the Intergovernmental and Capital Improvements elements. The proposed school facility-related amendments appear consistent with those adopted by DeSoto County in 2010, which the state land planning agency determined to be in compliance. Given this, and changes to school planning coordination requirements codified in the Community Planning Act, I offer several technical comments for the city's consideration.

THOMAS H. INSERRA
DIRECTOR, OFFICE OF EDUCATIONAL FACILITIES

Mr. D. Ray Eubanks
February 2, 2012
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First, the city had previously adopted CIE policy 2.9 and now proposes PSFE policy 1.5.3, which would adopt the DeSoto County School Board's 2009-10 five-year district facilities work plan by reference. That work plan was superseded by the 2011-12 work plan, which the school board adopted on September 14, 2011. Prior to adoption, the city should update the policies as needed to reflect the school board's work plan that is effective at the time the city adopts the amendment. Alternatively, the city may wish to update the policy as part of its annual capital improvement element update, which may be accomplished by ordinance and is not subject to state review.

Second, the city proposes PSFE policy 1.6.3, which relates to adoption of less-than-districtwide school concurrency service areas pursuant to section 163.3180(13)(c), F.S. (2010). The 2011 Florida Legislature removed that statutory standard but gives local governments and school boards discretion to use smaller school concurrency service areas. The statutory change does not require revision of the policy, but I note it here to ensure the city, the county, and the school district are aware of the change.

Finally, the city appropriately proposes CIE and PSFE policies that set level of service standards for public school facilities. The standards are consistent with the interlocal agreement and the standards adopted by the county. As a reminder, the Community Planning Act revised the capacity availability standards for school facilities. Section 163.3180(6)(e), F.S., requires that a concurrency determination include capacity that is available in relocatable facilities, provided the approved educational facilities plan does not include a recommendation to remove the relocatable facilities within the 5-year period, the relocatable facilities were acquired after 1998, and the relocatable facilities meet the standards for long-term use. Therefore, while the statutory change does not require revision of the policies at this time, any determination of public school capacity made for a plan amendment, site plan or subdivision approval must apply the statutory standard.

Again, thank you for the opportunity to review and comment. If I may be of assistance to your department or the city in responding to these technical comments, please contact me at (850) 245-9312 or tracy.suber@fldoe.org.

Sincerely,



Tracy D. Suber
Growth Management and Facilities Policy Liaison

TDS/

cc: Mr. Robert Hrstka, DeSoto County School District
Ms. Suzanne Lex and Ms. Brenda Winningham, DEO



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Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
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TDD only: 1-800-231-6103 (FL only)
On the Internet at WaterMatters.org

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
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William S. Bilenky
Interim Executive Director
and General Counsel

February 13, 2012

D. Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison Street MSC 160
Tallahassee, FL 32399

Subject: Arcadia 12-1ER

Dear Mr. Eubanks:

The staff of the Southwest Florida Water Management District has reviewed the proposed EAR-based comprehensive plan amendment for the City of Arcadia. The amendment package proposes a variety of text amendments and eight Future Land Use Map amendments. The District offers the following comments for consideration by the Department in its Objections, Recommendations and Comments (ORC) report. It is important that the City adequately address these recommendations prior to the adoption of the proposed amendment package.

Flood Protection and Floodplain Management

1. No comments.

Wetlands and Other Surface Waters

2. No comments.

Regional Water Supply

3. The District considers the Floridan aquifer system to be an important state resource. Proper protection and planning of the City's water supply is necessary to ensure that there are no adverse impacts to this resource. As noted in the amendment package, the City is subject to a Regional Water Supply Plan and has not yet adopted a 10 Year Water Supply Facilities Work Plan which was due in 2008 (163.3177(6)(c), F.S.).

The District adopted an updated Regional Water Supply Plan on July 26, 2011. As a supplier of potable water, the City is required to adopt a 10 Year Water Supply Facilities Work Plan by January 26, 2013 in order to ensure that adequate water supplies will be available to meet future demand. Technical assistance from the District is available to the City as they complete a Work Plan that:

- Includes goals, objectives and policies that address land use and water supply
- Assesses water supply, treatment, and distribution facilities
- Identifies water supply sources (potable and non-potable)
- Addresses permitted quantities
- Analyzes committed quantities

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- Includes demand projections
- Includes maps depicting existing and projected service area boundaries
- Identifies and assess quantifiable conservation measures
- Includes applicable agreements regarding the provision of water
- Addresses Levels of Service
- Identifies relevant Regional Water Supply Plan projects

We appreciate the opportunity to comment on this package as part of the comprehensive plan amendment review process. The District offers technical assistance to the Department of Economic Opportunity and the City in the development of sound, sustainable land use policies that protect water resources. If further assistance is required, please call me at (800)423-1476 extension 4430.

Sincerely,



Maya Burke
Staff Planner

MCB

(email) cc: Judi Jankosky, City of Arcadia
Jennifer Codo-Salisbury, CFRPC
Brenda Winningham, DCP
Jim Quinn, FDEP
Terri Behling, SWFWMD