

handout for CONA meeting – 2016.10.10

# ***Nature, Neighborhoods, Mobility and Taxpayers at Risk Giving It Away to Developers***

Dan Lobeck, Control Growth Now

**County Commission Public Hearing  
Tuesday, October 25 1:30 pm  
1660 Ringling Boulevard, Sarasota**

They call it an “update” of the Sarasota County Comprehensive Plan but it is instead a serious downgrade of the public interest. This thinly disguised move to eliminate important controls on developers is being promoted with the slogan, “Today, Tomorrow, Together.” The only people moving together on this, however, are our County Commissioners and their patrons in the development industry. The rest of us get left behind, with traffic gridlock, threatened neighborhoods and increased destruction of the natural environment.

The Sarasota County Commission's Comprehensive Plan “Update” is up for its final public hearing on **October 25**, at 1:30 pm, at 1660 Ringling Boulevard in Sarasota. Citizens will be allowed to speak for up to five minutes each.

Also, you can email the County Commissioners at [BCC@scgov.net](mailto:BCC@scgov.net).

It would be well to identify specific changes you oppose, together with comment generally on the others. You have a broad choice of topics from those identified in this handout. It is possible the County Commission could relent on some of the changes. At least one County Commissioner, for example, recently expressed reluctance to support the proposed change to the neighborhood compatibility policy, although he voted for it at the first hearing.

You can also send a letter to the editor of 250 words or less to the *Sarasota Herald-Tribune* at [editor.letters@heraldtribune.com](mailto:editor.letters@heraldtribune.com)

Among the many measures on the chopping block are the following:

- **Neighborhood compatibility protections**
- **Concurrency, the rule that developers must produce traffic studies and pay their proportionate share of needed road improvements**

- The square foot limit on the size of commercial centers
- The requirement that the County plan for needed infrastructure over a ten year period, leaving only planning for five years at a time
- The requirement that affordable housing built with density bonuses in mixed use centers remain affordable, be built to green standards and have a jobs-housing balance
- The level of service C standard for county roads, lowering it to D and thereby accepting more traffic congestion
- Current protections of wetlands and other natural habitat from development impacts
- Environmental and other “quality of life” standards for new businesses sought for the County

A fuller analysis of this proposed destruction of important protections of the public interest is set forth on the following pages.

-- Dan Lobeck Control Growth Now [www.controlgrowthnow.org](http://www.controlgrowthnow.org)

## Future Land Use

The Neighborhood Compatibility Policy, which for decades has required neighborhood protections in a rezoning or other land use change, would effectively be repealed. Policies for reduced density or intensity of development, and larger lot sizes, as needed for compatibility are to be deleted. Further, the change would delete the County Commission’s power to add protections for a neighborhood beyond what is already provided in the Zoning Code through measures that include buffers, setbacks, open space and locations of roads, dumpsters and the like.

This would remove a very important tool the County Commission has used frequently (including recently to lessen the impacts of a high rise development next to Wellington Chase homes and requiring an enhanced buffer and berm next to Silver Oak homes, both in Palmer Ranch). [Policy 1.2.9(A)]

Here is the change in the neighborhood compatibility policy, with added words underlined and deleted words struck through:

As reflected in Sarasota County Zoning standards, potential incompatibilities between land uses due to the density, intensity, character or type of use proposed, shall be mitigated through site and architectural design techniques including but not limited to any or all of the following:

areas, delivery areas and storage areas;  
step downs in building heights; and

Also, the Comp Plan “Update” expands commercial development at I-75 Interchanges by allowing it all four quadrants, rather than only to west and south as at present. (Policy 2.5.6)

Promotes urban sprawl by deleting the words “within the Urban Service Area” to describe where public facilities and services needed to support development will be provided. (Core Principles)

Eliminates the square footage limit on the size of Commercial Centers. Also, the maximum “floor area ratio”, that is the amount of a lot in a Commercial Center which may be covered by building of various stories, is greatly increased. These changes would seriously worsen traffic congestion at some of the most overcrowded intersections and roadways in Sarasota County, to no good end. (Current Policy 3.2.4; others including Policy 2.5.4)

The requirement for “affordable housing” in return for density increases in “mixed use” areas would be gutted, by eliminating the requirement that the units remain affordable “perpetually”, that is after the first sale or rental. This would allow an apartment developer to simply subsidize the initial rentals to get the density bonus and then raise the rents after that, without creating an affordable product. Also deleted are requirements for “green” construction and for a study shows a good balance of jobs and housing. These changes were pushed through the Planning Commission by a developer and a construction company executive on that body who build apartment complexes. At least their proposal to increase the density bonus to 100 units per acre was opposed by the County Commission at their initial hearing. In any event, this policy does little for truly affordable housing, in return for a density increase which can create traffic and other problems. It does this by merely requiring that half the units which are granted in excess of the regular density limit are “affordable” to those making 100 percent of area median income (that is mortgaged for not more than \$243,849 or rent not more than \$1,518 per month for a family of four) and one-fifth of those are “affordable” to those making 80 percent of that income. Again, though, that requirement is illusory if it just applies to the first rental or sale. [Policy 1.2.7 (A),(C) and (D)]

Allows development where adequate roads capacity is not available, by tying that policy only to “concurrency-related” facilities, considering that the Transportation Chapter would eliminate transportation concurrency.

Broadly allows developers to exceed maximum densities in the Plan by deleting all limits on “Residential Enclaves” anywhere in the Urban Service Area except barrier islands. [Policy 1.3.3(B)]

Deletes the current prohibition of development in a 100 year floodplain which would adversely affect the function of the floodplains and degrade water body quality, by allowing that development so long as it is “mitigated”, a very loosed and weak standard. [Policy 1.2.4(B)]

Deletes the policy which states, “Establish a system to measure new developments and determine whether the developments employ smart growth principles to help promote a sustainable community.” (Former Policy 4.1.2, was previously proposed a Policy 3.2.6 but is now proposed to be deleted)

Changes various important “governing” principles instead to only “guiding” principles.

Eliminates the provision that the County's mobility policy be "neighborhood-based."  
[Policy 1.2.6(c)]

Deletes the important goal of protecting the natural environment, neighborhoods, agriculture and historical resources . (Goal1)

Deletes the provision to "preserve" agricultural lands. (Policy 2.3.a, former Objective 1.3)

Deletes the requirement that the County will coordinate future land use with environmental characteristics and the availability of facilities. (Goal 2)

Deletes the statement that the County ensure that adequate public facilities are available concurrent with (that is, at the same time as) development. The new wording shifts to accommodation of development. At a minimum, the sentence should be changed to re-insert the word "ensure" so that the objective is not subsumed into the encouragement of development. (Objective 3.1, former Objective 2.2)

Deletes the requirement that the County plan for needed infrastructure improvements, such as roads, schools, parks, utilities and other facilities, for a ten-year period. (Objective 3.1, was Objective 2.2)

Deletes the statement that development will be accommodated "to the extent such growth is financially feasible." Stating instead, as proposed, "Encourage development where public facilities are provided or scheduled to be available" is much less restrictive. (Goal 3)

Adds "intensity" to what may be increased in multi-modal overlays, which would allow increased nonresidential development in addition to the increased residential density allowed at present. Doing so could be used to allow incompatible commercial and other nonresidential development near neighborhoods where it is not allowed today, and increase traffic congestion. (Policy 4.3.2)

## **Transportation**

Eliminates concurrency, the long-standing requirement that developers must pay for and submit traffic studies and pay their proportionate share of needed road improvements that exceed their impact fees. (Policy 1.3.12)

Lowers the level of service on County roads within the Urban Service Area from C to D. While it has been stated that the current standards are unrealistic and that we must accept more traffic congestion than we do today, that would at least partially be resolved if the County abandoned its 47.5% cut in impact fees throughout most of the urban area, and other impact fee cuts. This revision is part of the move to embrace traffic congestion in order to allow developers to overcrowd our roads, a move which is strongly at odds with public opinion and the public interest. (Policy 1.3.2)

Promotes a “Complete Streets” program which staff clearly states includes the crazy concept of “road diets” to shrink existing roads -- such as turning a four lane road into two lanes -- in order to make driving more difficult and force people out of cars onto walking, biking and riding buses that get caught in traffic too. (Multiple places in the text)

Requires that a new major (arterial) road be built within the next three years east of the Interstate between University Parkway and Clark Road to include the Bee Ridge Extension, to serve new urban sprawl planned in that area. This would take priority over other needed road projects where people live today, including improvements to River Road required to eliminate deaths. (Policy 1.5.7)

The support materials for the Transportation Chapter should be revised to include the Introduction to that Chapter in the Comprehensive Plan at present, in particular the following paragraph, which at present is proposed to be deleted: “Periods of rapid population growth and seasonal fluctuations in population, with the resulting increase in the number of automobiles, have combined in Sarasota to produce traffic congestion. This has been manifested not only in the conditions found on thoroughfares but also in the spillover of heavy traffic into residential neighborhoods as drivers sought to bypass the thoroughfares. In addition to congestion, traffic circulation issues include the need for adequate hurricane evacuation routes, and provision for police and fire emergency services.”

## **Environment**

Destroys this very important requirement on developers: “The clustering of residential developments or the implementation of other measures to first a void, then minimize and mitigate adverse environmental impacts shall be required whenever areas of significant native habitats are involved.” This would be eliminated by striking the words “shall be required” and inserting the word “Encourage” at the beginning. (Policy 1.3.6, replacing Policy 4.5.11)

Allows currently prohibited environmental destruction and adverse impacts so long as they are deemed “de minimus” (minor) by the developer’s consultant and accepted by the County. That is a potentially serious new loophole, particularly because the standard is undefined. (Principles for Evaluating Development Proposals in Native Habitats)  
Weakens the current wetland protection being litigated in environmentalists’ challenge to the County allowing the developers of Whole Foods and Wawa stores to pave over a valuable urban wetland. At present, if a wetland has value, it must be preserved unless “no other reasonable alternative exists.” The amendment would allow that finding based on the “landscape context” and “long-term viability of the native habitat.” In other words, if there is development around a valuable wetland, particularly if it is at all harmful to any habitat, the developer can use that to justify paving over the wetland. (Principles, VI.2.j)

Deletes the strict requirement for 30 foot wetland buffers and 50 foot mesic hammock buffers, providing that a developer may provide “variable buffer widths” so long as the

developer's consultant says (and the County agrees) that will provide "equal or greater native habitat value." (Principles, VI.2.j)

Deletes the County Objective to "Identify, manage and protect all ecological communities, habitat corridors and wildlife, especially critical habitats and endangered, threatened, and species of special concern identified in official federal, state, or international treaty lists." That is replaced with a much weaker Objective to "Identify, manage, and protect ecological communities, and native habitats." (Obj. 1.1, replacing Obj. 4.4)

Deletes the requirement that prior to disturbing any listed species and its habitat, a developer must identify them by recognized sampling techniques and provide such documentation to the County. Instead, simply prior "coordination" with the government is required and as such the species and habitat identification can be conducted later. (Policy 2.1.3, replacing Policy 4.4.4)

Deletes the Policy requiring that open space in a development "favor factors such as onsite and adjacent off-site habitat connectivity", leaving in place only a weaker policy that re-quires connectivity to established greenways. (Policy 1.3.3, replacing Policy 4.5.4)

Weakens the requirement that a developer remove invasive and nuisance vegetation in native habitats and conservation areas, by removing the word "maximum" from the present requirement that it be done "to the maximum extent practical." (Policy 1.5.6, replacing Policy 4.6.6)

Weakens scrub jay protection by protecting them to "support" their persistence rather than "ensure" it, as at present. (Policy 2.1.0, replacing Policy 4.4.8)

Deletes the conditions of necessity and feasibility for additional access to Gulf and bay waters. (Objective 4.3, former Obj. 1.3)

Deletes the requirement for the development of a Beach and Inlet Management strategy. The statement of six short bullet points that deserve "consideration" by the County in managing its beaches and inlets is not a sufficient substitute for the plan which the Chapter currently requires be created by 2015. (Policy 4.7.1, replacing Policy 1.2.3)

Deletes the requirement of an Urban Forestry Management Plan (which has been overdue since 2006). The new policies proposed to, in one sentence each, promote tree canopy and community gardens are sparse and unclear and do not adequately substitute for the presently required Plan. (Policies 1.5.1 and 5.1.7, replacing Policy 4.6.1)

In a matter of some recent local controversy, deletes, "The County shall support and fund the Environmental Library." Originally, the proposal was to replace that with, "The county shall support and fund environmental education programs." Since public and press objections to actions even now to dismantle the Environmental Library, on June 1 staff added to that, ",including a collection of environmental resources accessible to the public through the county library system." However, even that wording could allow the county library system to follow through on its moves to eliminate the Environmental

Library at Selby Library and disperse what remains of the collection through the broader library and to colleges and elsewhere where the materials would be accessible “through” the library system, although not in it. (Policy 5.1.2, replacing Policy 4.7.2)

## **Housing**

Provides for increased densities in the Zoning Code by allowing more “accessory dwellings”, that is second homes on a one-home lot, than are allowed today. This was added by a Planning Commissioner who is a building contractor and complained that he was limited by the current code. (Policy 1.1.16)

Weakens a policy by deleting the word “most” from the requirement that housing density be effectively balanced with neighborhood compatibility, environmental sensitivity and housing diversity. (Policy 1.1.12)

Replaces the call for more affordable housing for persons of “extremely low, very low, low and moderate income” with housing merely for “households with an income of 120 per-cent or less of the AMI” (Adjusted Median Income). (Objective 1.2)

## **Economic Development**

At present, the Economic Development Chapter presents a balanced approach to the economy in Sarasota County, not only calling for new business but also serving existing businesses and recognizing the value and importance to our economy of tourism, adequate infrastructure, the natural environment, neighborhoods, education and arts and culture to the County’s economic development, as well as its quality of life. The replacement Chapter strips all but a bare remnant of that away and leaves in its place a small handful of policies which promote workforce development, diversification of the economic base and agriculture, while imprudently advocating the repeal of regulations which may be beneficial to the public interest. The staff explanations for these deletions show the contempt for these deleted values, such as “Neighborhood revitalization is not economic development” and “Tourism does not diversify the economic base.”

Proposed new Policies 2.2.2 and 3.1.3 should be eliminated. It is reckless, for example, to call for the elimination of regulations that have the effect of prohibiting the attraction or expansion of a business. That is because those regulations may serve an overriding public interest such as protection of important natural resources, neighborhood compatibility or transportation mobility.

The revision should not eliminate the current “Intent” which precedes the Goals, Objectives and Policies, in particular the statement, “The County has the responsibility to support and accommodate projected economic development activities while serving the public interest and not compromising the quality of life.”

Most certainly, the “Guiding Principles for Determining Desirable Business and Industry” should not be deleted from the Chapter, with factors that include whether a business

“can meet or exceed Sarasota County environmental quality standards”, “promote long term, year round employment stability and promote long term, year-round employment opportunities”, “ will attract employees having a high degree of technical skill and education while at the same time offer career opportunities for those having lesser skills or education”, “will not consume large volumes of water and energy resources”, “will not emit noxious fumes, odors, or waste products into the atmosphere, ground, or water”, “will share an interest in the wellbeing of Sarasota County”, “will help Sarasota County maintain its superior quality of life”, “will vigorously work for better employment, education, medical, and cultural facilities for all Sarasota County’s citizens”, “will work in harmony with and will support by doing business with existing business and industry in the area as feasible”, “will incorporate sustainability principles and practices into their operations and services” and “will be certified as a Sarasota County ‘Green Business’.” The “Examples of desirable business and industries” also included in those Guiding Principles should also not be deleted.

Objective 1.4 should not be deleted. It states, “Ensure County policies and regulations are consistent with and promote economic goals, develop public understanding and support for the economy and its connection to a sustained quality of life, and align community development issues, such as affordable housing, with economic efforts.”

Objective 1.5 should not be deleted. It states, “Ensure the enhancement of business development opportunities by maintaining a “Quality of Life” component of those desirable community elements consisting of the preservation of the natural environment, enjoyment of arts, culture and recreation, educational excellence, and promoting social wellbeing, a healthy community, and keeping the community safe.”