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Re: Objection to **CPA 2022-B**

Dear Chairwoman Mast and members of the Planning Commission,

I write on behalf of Miakka Community Club¹ to formally object to and urge the Commission to deny, proposed Comprehensive Plan amendment CPA 2022-B. The proposed amendment would significantly degrade and adversely impact the rural community known as Old Miakka.

The subject property is 4,120 acres, situated far (about 10-12 miles) from the County's existing population and employment centers. It consists of existing agricultural, vacant, and some low-density residential uses. The Future Land Use designation for the subject property is Rural. The application is to change the current Future Land Use designation of 4,120 acres to *Village Transition Zone/ Greenway RMA Overlay*. The "Village Transition Zone" (VTZ) would supplant 4,120+ acres designated as "Rural" on the Future Land Use Map that currently is a historic rural and agricultural community, Old Miakka.

The property is outside of both the current and future Urban Service Boundaries, and would require the extension of new wastewater service lines.

¹ The Miakka Community Club was founded in 1948. Its Motto is conservation and protection of the rural area. Since its inception, the Miakka Community Club has worked to preserve the Community's rural and agricultural lands for current and future generations to live on, learn from and love the land.

The site currently contains low density residential, agricultural land, improved pasture, unimproved pasture, woodland pasture, row crops, and shrub and brushland. Native upland habitats within the project area consist of pine flatwoods, live oak hammock, temperate mesic hammock, and hardwood-coniferous mixed. Over 700 acres of the property lie within a 100 year floodplain – either Dona Bay or the Upper Myakka River Watershed. The project is within the Core Foraging Area (CFA) of several wood stork nesting colonies and within the USFWS consultation area for the Florida bonneted bat. Several potentially occupied gopher tortoise burrows and two burrowing owl burrows have been observed on the site.

The existing zoning would allow only 717 dwelling units. If rezoned to a "Hamlet" it would allow a maximum of 1,600 dwelling units. CPA 2022-B would allow a residential density of two dwelling units per gross developable, for a total of 8,000 units - 5,000 as the capped density with 3,000 units available for TDRs.

All of these facts strongly suggest denial of the application. With much respect to the work of County planning staff, we believe their recommendation of approval is severely flawed, and ignores several key state and County requirements that govern comprehensive land use amendments like CPA 2022-B.

What's more, the proposal is such a dramatic departure from the County's long-standing comprehensive plans for the region that it proposes:

“all new proposed language as the Village Transition Zone Resource Management Area (RMA) will be a new stand-alone 2050 designation.” (Staff Report, p. 11)

Why? It is difficult to discern from the application or staff review any important purpose this project would serve – at all, let alone so much as to warrant the creation of an entirely new land use designation. The Sarasota 2050 RMA Plan is well – conceived. Despite having recently reviewed and updated the Comprehensive Plan, County staff has not proposed anything like the proposed substantial revision to its approach.

Instead, this proposed land use change seems a throwback to the kinds of applicant – driven land use change that state planning law was enacted in 1985 to prevent. It fails by a great margin to meet the current requirements of Florida law and the County's own Comprehensive Plan. It fails completely to make the case that the current land use designation and standards for the property are no longer appropriate and that a change to the Comprehensive Plan is necessary or appropriate.

As appropriately noted by County staff, “[s]ince movement of the Countryside Line will allow for increased residential densities beyond those densities permitted under the existing ‘Rural’ Future Land Use Map designation, Section 2.2 of the Sarasota County Charter requires a super-majority vote of the Board of County Commissioners.” Staff Report, p. 31.

This requirement exists to ensure that such changes are not made unless they are clearly in the long terms best interests of the County and will serve an important public purpose. This application, in our view, is unworthy of super-majority support. **The key objections and troubling questions raised by this application include:**

- It is a **scattershot intrusion of suburban development into an historical and distinctly rural area far from major population and activity centers.** The application and staff report

focus exclusively on the one nearby suburban development, ignoring the agricultural and rural land to the west, south and east of the property.

- Instead of the increased open space and greenbelt buffer requirements that would be necessary to prevent a substantial density increase from degrading the character of surrounding rural and farmland, the application actually **reduces open space and greenbelt requirements.**
- The project would allow the **expansion of urban infrastructure well outside of the Urban Services Boundary**, among other things, requiring the expansion of rural roads to urban roads. This would render the USB meaningless.
- While touted as a positive aspect of the proposal, the “density transition” concept is **contrary to state law, which requires a “clear separation between rural and urban uses.”**
- **The project’s location, inefficient use of land, lack of demonstrated need, requirement for new urban infrastructure, supplanting of a large amount of rural and farmland constitute classic urban sprawl.** Supplanting over 4,000 acres of this land with automobile – dependent (and GHG emission – generating) residential development is horrible planning for the County and its climate.
- The asserted reasoning for its approval would be precedent for and create a domino effect of **supporting similar conversions of rural and farmland in the region.**

Detailed Objections

The application and supporting documents for CPA 2022-B fall drastically short of demonstrating compliance with state and local requirements - both substantively and procedurally.

Inadequate Neighborhood Workshop

Relative to the process, the only Neighborhood Workshop held for the project - a remote meeting by zoom that lasted only about 15 minutes - in no way meet the standard established in FLU Policy 1.3.4:

“The purpose of the workshop shall be for the applicant and community to work collaboratively and discuss the nature of the proposed development, to solicit suggestions and concerns” ... (emphasis added).

Pursuant to County Resolution No. 2021-165, C [“Any person who believes that a required Neighborhood Workshop did not meet the county standards must raise the issue in writing...”] I raise that issue on behalf of MCC, and request that the matter be re-set for a meaningful public workshop for “applicant and community to work collaboratively and discuss the nature of the proposed development, to solicit suggestions and concerns”.

Incompatible Land Use in Rural and Agricultural Area

The proposal is inconsistent with the following policies in the Comprehensive Plan:

FLU Policy 1.1.1: *The Comprehensive Plan is intended to provide for the future use of land in Sarasota County and contemplates a gradual and ordered growth.*

FLU Policy 1.1.3: *The generalized land use categories depicted on the Future Land Use Map as expressed under Goal 2 of this chapter are intended to establish varying degrees of*

environmental protection and intensity of development, transitioning from the natural environment to the most intense developed areas by gradually increasing density and urban character.

FLU Objective 2.2: *Maintain governing regulations for Semi-Rural, Rural, and Agricultural land uses.*

FLU Policy 2.2.1: *Protect and maintain agricultural lands.*

FLU Policy 2.2.2: *Residential development in the Rural Area shall have a maximum density of one dwelling unit per five acres.*

VOS Objective 5: *To protect the existing rural character of the areas outside of the Urban Service Area Boundary including existing rural low density development and roadways through the design standards of new Village and Hamlet development.*

The development proposed by this application is the opposite of what the Plan requires. Instead of a logical progression of suburban development proceeding from the existing population center, it is a scattershot intrusion of a major suburban use into a distinctly rural area far from major population and activity centers. Perhaps for this reason, **the application and staff report focus exclusively on the nearby suburban development, ignoring the agricultural and rural land to the west, south and east of the property.**

The proposal is incompatible with the existing homes and land uses in this area. The proposed 50% open space (which include stormwater management infrastructure for the overall project, and greenbelts along the edges of the project are *reductions* from what is currently required on this land, and mere window – dressing for a massive urban/ suburban development that intrudes into a decidedly rural region of the county.

The proposal would also allow the construction of civic and other nonresidential uses, public facilities such as schools, public safety facilities, all parks, other government buildings, and telecommunication facilities.

Fundamentally, the proposed land use is incompatible with the adjacent land.

The existing zoning district for this land is OUE-1, OUR AND HPD on this land. The first two require an 80% open space requirement. The HPD requires a 60% open space. The land east of this development is Rural on the FLUM and thus zoned either OUE-1 or OUR, both of which UDC requirement of 80% open space. **Building a suburban residential neighborhood into this rural area, with open space and greenbelt and buffer requirements that are less – not greater - than those currently required can in no way considered a compatible land use decision.**

The proposed density is not, as claimed by the applicant, “slightly more dense than what would be allowed by the Hamlet Designation”. Currently allowed densities for the 4,000 acres would be a total of 717 units. Approval for 5,000 dwelling units would be an **increase of density of 597.35%**, which is clearly incompatible with the rural character of the community.

The current RURAL AREA designation preserves agricultural lands, maintains open spaces and protects native habitats. Residential densities in the rural are typically limited to a maximum of 1 dwelling unit per five acres or OUR, at 1 unit per 10 acres. The rural character of the area will also be severely changed by the increased lighting and dramatic increase in traffic.

In short, densities of 2 units per acre does not preserve the rural character of the area, where homestead of per 5 or 10 acres currently predominate.

There are agricultural uses near the property in all four directions. The approval of this application will encourage further urban density and sprawl into the Rural area. A density of two units an acre is inconsistent with surrounding rural lands and is classic urban sprawl. This intrusion of suburban development into this sparsely developed rural area with threaten the existing way of life of the current residents. Visual buffers cannot overcome the sheer population density, suburban way of life, traffic and other urban infrastructure, and other features of a massive suburban development within a currently rural area.

Also, the dramatic reduction of greenbelt requirements down to 10% of the currently required width undercuts any claim that somehow buffers will protect the rural character of the region. VOS Policy 5.1 is clear that:

“The purpose of establishing a Greenbelt around each Village and each Hamlet is to help define these as separate and compact communities. As part of the Open Space requirement for development within the Village/Open Space RMA, the Master Development Plan for each Village and each Hamlet shall establish a Greenbelt that is a minimum of 500 feet wide around the perimeter of the Developed Area that preserves Native Habitats, supplements natural vegetation, and protects wildlife within the area.”

This application completely eviscerates this requirement and the purpose it is intended to serve. The proposed development is a categorically incompatible development that cannot be made compatible with vegetative buffers, walls or other window-dressing features.

The proposed area of change, 4,120 acres, is surrounded by rural lands that may currently have livestock. Construction noise and activity - such as continual diesel engines on large equipment and the backup beepers - are likely to disrupt livestock and otherwise compromise farming operations. The new suburban homeowners will surely have noise and odor complaints about the existing agricultural uses. As the Comprehensive Plan’s Future Land Use Policy 2.2.2 (A) acknowledges “[l]and management activities associated with agricultural uses may be incompatible with other development”.

What’s more, just as this application claims justification in the existing Lakewood Ranch development, its approval would be used to justify more like it in the future.

The Legislature has identified **agriculture** as a “**traditional economic base of this state**” **which should be “protected”**. §163.3161 (11), Fla. Stat. (emphasis added). That preservation of **farmland** is an issue of statewide importance is explicitly stated in §163.3162(1), Fla. Stat. where the Legislature finds that:

“agricultural production is a major contributor to the economy of the state; that **agricultural lands constitute unique and irreplaceable resources of statewide importance**; that the continuation of agricultural activities preserves the landscape and environmental resources of the state, contributes to the increase of tourism, and furthers the economic self-sufficiency of the people of the state; and that the

encouragement, development, and improvement of agriculture will result in a general benefit to the health, safety, and welfare of the people of the state.”

Agricultural lands are an irreplaceable resource of statewide importance. Section 163.3162(1), Fla. Stat. Under the *Community Planning Act*, agriculture is “to be recognized and protected”. §163.3161(11), Fla. Stat. The proposed amendment is inconsistent with state law.

In closing on this point, we note and appreciate the staff’s observation that:

“future consideration should be given to just how far east the Countryside Line can be moved before its intended function ceases to have meaning.”

Staff Report, p. 31.

We submit however that, consistent with state law and the County’s Comprehensive Plan, the time to consider the consequence of moving the line is now.

Environmental Impacts

The proposal includes no binding comprehensive plan requirements for wildlife underpasses on the new road or for a wildlife corridor. Leaving these are details to be addressed during the construction plan review is inadequate if there is no binding comprehensive plan standard (regarding location, size, configuration, adequacy to protect specific wildlife species, etc.) to which those subsequent development plans must adhere. *DCA, et al. v. Monroe County, 1995 Fla. ENV LEXIS 129; 95 ER FALR 148* (Admin. Comm., Dec. 12, 1996); *Dep’t of Community Affairs v. Escambia County*, ER FALR 92:138 (Final Order July 22, 1992) (P. 39; ¶¶ 265 - 266).

Neither does the proposal contain specific comprehensive plan policies requiring “dark skies” design, shaded lights, downward only lighting or other measures necessary for a new suburban use in this environmentally sensitive area. Reliance on the existing Sarasota County UDC to protect the resources in an area where neither the code nor the plan have contemplated such development is obviously inadequate.

Relative to water conservation, the applicant proposes no binding policies related to water conservation, simply identifying water Conservation measures that it “may” choose to implement.

The Sarasota County Comprehensive Plan – Environmental Objective 1.2 – requires the County to:

“[p]rotect environmental resources **during land use changes** and establishment of urban services.” (emphasis added).

By these plain terms the Plan does not allow these protections to be put off to subsequent development approval processes, and requires binding policies that are demonstrably adequate to protect environmental resources as part of the land use change process.

The proposal violates **ENV Objective 1.2**, to “Protect environmental resources during land use changes and establishment of urban services.”

The application does not protect environmental resources. While the applicant claims that its 50% open space preservation proposal satisfies the policy, that would constitute a ***reduction in the open space requirement compared to the current applicable requirements***. The current land use designation of OUE-1, OUR require 80% Open Space and HPD requires 60% Open Space. Currently, the existing zoning would require 2,296 acres of Open Space. If all the land were approved as a Hamlet, there would be 2,400 acres of Open space, The Applicant's 50% Open Space proposal would provide 2,000 acres in Open Space; Its request for only 43% Open Space would preserve only 1,720 acres.

Of course, it is also important to understand that the proposal would count the following things as "open space":

- stormwater facilities
- potable or non-potable water storage facilities
- public or private park facilities
- telecommunications towers and facilities
- public facilities such as public safety stations and community centers.

Staff Report, p. 30.

Open Space is one of the Core Principles for the Sarasota 2050 Resource Management Area, described as:

"Open Space: Implements an inter-connected system that conserves natural habitats and preserves agricultural/ranch lands. "

It cannot seriously be claimed that the uses and facilities the proposal would call open space are comply with that vision or are "open space" in any real -world sense of that phrase. They are structures or buildings, many of them undesirable land uses. A FLU amendment that results in a loss of 576 acres of actual Open Space is inconsistent with ENV Objective 1.2.

The proposal also violates **ENV Objective 1.3**, to "Preserve a network of habitat connectivity across the landscape that ensures adequate representation of native habitats suitable to support the functions and values of all ecological communities."

The reduction of open space as well as the reduction of the greenbelts on Fruitville Road and along the eastern boundary of the property from 500' to 50' does not provide adequate representation of native habitats or significant open space. There is no specific binding policy proposed, supported by scientific data and analysis,² to ensure that the location, size, configuration, quality or other components of any preserved open space will be adequate to ensure the protection of the land's ecological functions.

² *Payne v. City of Miami*, 52 So. 3d 707 (Fla. 3d DCA 2010); *Austin v. City of Cocoa and DCA*, ER FALR 89:0128 (Admin. Comm. Case No. 89-31, DOAH Case No. 88-6338GM (Admin. Comm. Sept. 29, 1989); *Moehle v. City of Cocoa Beach*, 1997 WL 1052873, DOAH 96-5832GM (Oct. 20, 1997).

Transportation

Fruitville Road is the *only* road into Sarasota from not only Old Miakka, but also Manatee and Desoto Counties. The traffic from the proposed project will surely lower the level of service on Fruitville Road from Verna to I-75.

"VOS Policy 5.2 (Protected Roadway Character) states that:

"All development within the Village/Open Space RMA shall be designed to maintain open vistas and protect the integrity of the rural character of Fruitville Road/SR 780 east of Dog Kennel Road, Verna/Myakka Road and Clark Road/SR 72"

This application, which asks to reduce the greenbelt requirement from 500' down to 50', and deposit significantly more traffic on Fruitville Rd, is clearly inconsistent with this policy. There will be no internal traffic capture to all of those trips will be offsite.

The existing traffic counts will verify that the traffic on Fruitville Road is constant. It is not limited to cars and personal trucks, but a large amount of semi-trucks and dump trucks and livestock trailers. The livestock trailer traffic is expected to increase because of the Estuarian Center in Manatee County which is most easily reached using Fruitville Road.

The application constitutes urban sprawl

A picture is often worth 1,000 words, and it is striking how clearly **the location map on the cover page and the map on page five of the staff report for the Aug. 4 Planning Commission hearing shows this proposal to be urban sprawl. An analysis of its details makes this even more clear.**

The proposed land use amendments would encourage urban sprawl, in direct contradiction of §163.3177(6)(a)(9), Fla. Stat., because it:

(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

This describes the project precisely. As explained by the staff report, "[t]he Lakewood Ranch Southeast property is currently **undeveloped** and consists of approximately **4,120 acres of land l... east [meaning outside of] of the Urban Service Area Boundary....**" (Staff Report, p.2)

(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

This is exactly what the proposal does, **supplanting 4,120 acres of agricultural and undeveloped land with suburban development.** The application proposes a particularly inefficient use of land. It is completely contrary to the Comprehensive Plan's policy framework - the Resource Management Area (RMA) system – which "encourages a compact development

form.” Comprehensive Plan, V1-297. The form of development proposed here is the opposite. If there is truly a need for 5,000 more homes in Sarasota County, they should be built on land much closer to the existing urban centers and at a much higher density per acre.

Surprisingly however, the staff report makes no mention of the fact that this is a rural area, completely ignoring the rural and agricultural lands surrounding development and the overall character of the area.

(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

(IV) Fails to adequately 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.

The site currently contains low density residential, agricultural land, improved pasture, unimproved pasture, woodland pasture, row crops, and shrub and brushland. Native upland habitats within the project area consist of pine flatwoods, live oak hammock, temperate mesic hammock, and hardwood-coniferous mixed. The project is within the Core Foraging Area (CFA) of several wood stork nesting colonies and within the USFWS consultation area for the Florida bonneted bat. Several potentially occupied gopher tortoise burrows and two burrowing owl burrows have been observed on the site. It sits within a predominantly rural and agricultural area and would be isolated suburban development.

It is hard to square the staff report’s claim that “greenbelts will ensure the appropriate separation of uses, and compliance of the site design with relevant County regulations will protect and mitigate the impacts to surrounding agricultural and residential uses³ with the **reduced greenbelt and other protections approval of the application would allow.**

(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

As explained above, the proposal would **supplant agricultural uses with suburban development. The property converts 4,120 acres of agricultural and undeveloped land and support the conversion of the surrounding farmland to the same use.**

(VI) Fails to maximize use of existing public facilities and services.

(VII) Fails to maximize use of future public facilities and services.

(VIII) 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.

³ Staff Report, p. 23.

The proposal completely flouts the purpose of the Plan's Urban Services Boundary. The property is **outside of both the current and future Urban Service Boundaries, and would require the extension of new wastewater service lines and the construction of new roadways,** including the construction of Bourneside Boulevard as a four-lane roadway traversing the property and connecting University Parkway to Fruitville Road. County staff explain that "[t]he intention of Sarasota 2050 Policy, in part, was to address projected growth within a deliberate policy framework rather than having to evaluate the expansion of the Urban Service Boundary (USB) area on a piecemeal basis." Staff Report pp. 21-22. Yet, that is exactly what the proposal does.

Expanding these roads, it should also be noted, is inconsistent with the Plan's intent to protect the rural character of this area. The case of *Sierra Club v. Miami Dade County*, (Dept. of Comm. Affairs' Final Order No. DCA 06-GM 219 (Sept. 12, 2006) explains that state planning law:

"establishes an important link between planned road infrastructure and future land use decisions. The future transportation map ... plays a critical role in the future land use pattern of a local government, particularly with regard to roadways." *Sierra Club*, R.O. ¶104 (emphasis added)

Thus:

"Growth management laws, therefore, generally discourage the provision of roadway capacity in areas where a local comprehensive plan discourages development." *Sierra Club*, Rec. Order ¶105 (emphasis added)

There are also no existing potable distribution facilities within the subject site. The application suggests that the County would pay to upsize the nearest water and sewer lines for the development. Sarasota County Area Transit (SCAT) does not provide fixed route bus service to the proposed development.

The application proposes the dedication of land to provide on-site fire protection facilities but does not propose a policy requiring the developer to build and maintain such facilities, which would of course predominantly serve this development. The application does not analyze response times of sheriff, EMS, fire etc. Such information cannot be disregarded now and provided only at the rezoning phase. The impact on public services is a required analysis and basis for the decision now – at the comprehensive plan amendment stage. Section 163.3177 (6)(a)8.a., Fla. Stat. requires that future land use map amendments shall be based upon an analysis of the availability of facilities and services.

(IX) Fails to provide a clear separation between rural and urban uses.

The proposed development places suburban residential uses in the middle of a rural area. **The touted "density transition" label for the proposal seems designed to put a positive spin on development that is exactly the opposite of maintaining a "a clear separation between rural and urban uses".** There is no explanation of why a "transition" is needed here. The current land use designation for the property is the appropriate designation.

The applicant's proposal to amend the "Purpose and Intent of the Sarasota 2050 Resource Management Area Chapter," and RMA Goal 1 to recognize the proposed new Village Transition Zone is a proposal to **change the land use plan for this reason from one that complies with state law to one that does the opposite of what state law requires – and what is good planning for Sarasota County.**

(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

Every residential housing unit that is provided outside of the existing infill areas in the County's population centers creates that amount of disincentive for infill development. The proposed development is the opposite of infill development.

(XI) Fails to encourage a functional mix of uses.

(XII) Results in poor accessibility among linked or related land uses.

This would be scattered, single – use suburban development that has no relationship to the rural and agricultural lands into which it will be placed. The proposed development pattern would be predominately residential; it does not include the full range and mix of uses needed to support the residential suburb that would be built. It would require no commercial or other non-residential uses, thus requiring the new residents to travel miles for all employment, shopping, entertainment, recreational, public and other needs.⁴ This type of development is auto dependent development with a single use that is not functionally related to adjacent land uses except for the small section adjacent to Lakewood Ranch. This single use (residential) development a substantial distance from all other uses is classic urban sprawl modern planning law and the County's Comprehensive Plan are intended to prevent. Placing a residential use in a rural area where the new suburban population needs to travel a great distance for employment and other life requirements is the definition of urban sprawl.

The application proposes the historic development pattern that gave rise to the need for Florida's Community Planning Act, and, for that reason, the kind of project that is rarely even proposed in modern times. Even if the application was proposing a full complimentary mix of uses, this is simply the wrong location.

(XIII) Results in the loss of significant amounts of functional open space.

As explained above, this is exactly what the proposal would do. The staff report's attempt to disregard this fact on the basis that "[i]t is not necessarily a location that the public goes to in order to enjoy the splendors of Sarasota County" completely ignores the role and value of undeveloped rural land in creating and maintaining the rural lifestyle character of an area for the existing residents and landowners.

⁴ The applicant's desire to have "the option of residential support uses, such as places of worship, public safety facilities, or other civic uses", is not valid land use planning.

The proposed Future Land Use Map change fails to reflect, and is inconsistent with, the Sarasota County Comprehensive Plan.

Because of the inconsistencies with the Comprehensive Plan provisions cited above, the application violates state law. Section 163.3177(1), Fla. Stat. requires comprehensive plans to “guide future decisions in a consistent manner” Section 163.3177(2) mandates “[t]he several elements of the comprehensive plan shall be consistent.” The Act emphasizes the particular importance of a plan’s adopted maps, such as the Future Transportation Map amended in this case:

Each map depicting future conditions ... **must reflect the principles, guidelines, and standards within all elements.....**” Id. (emphasis added)

A 1989 Commission Final Order explained that a plan’s adopted maps are “a critical component of the Plan” ...] “an essential visual representation of the ... goals, objectives, and policies” *Austin v. City of Cocoa and DCA*, 1989 WL 645182, ER FALR 89:0128 (Admin. Comm. 1989).

The “internal consistency” requirement is one of the fundamental mandates governing comprehensive plans. Its violation is dispositive of a plan amendment’s compliance with the Act. *See Payne v. City of Miami*, 52 So. 3d 707 (Fla. 3d DCA 2010) (invalidating land use amendments for inconsistency with plan provisions concerning the Miami River). *Accord, SCAID v. DCA and Sumter County*, 730 So. 2d 370 (Fla. 5th DCA 1999) (finding a land use change violated the internal consistency requirement because it violated comprehensive plan policies.). A substantial body of administrative law exists finding plans and amendments out of compliance when map amendments conflict with plan policies. *See, e.g., Dep’t of Comm. Affairs v. Miami Dade County*, 2009 Fla. ENV Lexis 139, 2010 ER FALR 2 (2009), *aff’d Miami Dade County v. DCA*, 54 So.3d 633 (Fla. 3d DCA 2011) (land use change inconsistent with the plan’s urban development boundary policy); *DCA v. St. Lucie County*, 1993 WL 943708, 15 FALR 4744 (Admin. Comm. 1993) (Map amendment failed to reflect policies discouraging urban sprawl, and promoting agricultural protection, land use compatibility and other objectives); *Kelly v. City of Cocoa Beach*, 1990 WL 749217, 12 FALR 4758 (1990) (increased density failed to reflect objective to direct population away from the coastal hazard area).

The project is inconsistent with the County’s “Directions for the Future”.

This proposal is also inconsistent with the organizing concepts represented by the principles set forth within “Directions for the Future,” adopted by the County Commission on October 10, 2000 by Resolution 2000-230. While not formally adopted as part of the County’s Comprehensive Plan, these “Directions for the Future” are substantially similar to the Comprehensive Plan’s over-arching intent and thus instructive to use as part of the analysis of any proposed plan amendment. The proposal does not comport with the following principles:

• ***Preserve and strengthen existing communities.***

The applicant focuses solely on Lakewood Ranch and totally ignores the obvious adverse impact on the surrounding rural communities, including the Old Miakka Community, which, by replacing 4,120 acres of rural land with a large suburban subdivisions, it will surely not preserve and strengthen.

- ***Provide for a variety of land uses and lifestyles to support residents of diverse ages, incomes, and family sizes.***

The lifestyle opportunities available in the Old Miakka community are rare and disappearing, while those presented by the application are relatively common.

- ***Preserve environmental systems.***

The project would be a suburban intrusion into over 4,000 acres of sparsely developed land and reduce the amount of required open space.

- ***Avoid urban sprawl***

This development is an auto dependent development with a single use that is not functionally related to the vast majority of the adjacent land uses.

- ***Reduce automobile trips.***

The project would place up to 5,000 homes approximately 10- 15 miles away from the nearest major employment, commercial and entertainment centers, and is classic urban sprawl.

- ***Preserve rural character, including opportunities for agriculture.***

The project would replace, not preserve, over 4,000 acres of rural land and farmland. In addition to that direct displacement, it would support the similar conversion of other rural lands in the region to suburban or, based on the claim that the new residential uses require complementary uses, commercial, employment, recreational, institutional and other supporting uses. And of course, **if this project is approved, each new project would be expected to receive the same positive observation as is found on page 22 of the staff report:**

“the proposed development style is compatible with existing patterns of development and will promote sustainable development in an area that is appropriate for this form of development.”

- ***Balance jobs with housing.***

The proposal would create a significant imbalance of residential uses versus job – producing uses.

Final Compliance Analysis

The Staff recommendation does not explain why it does not address the application’s compliance with the mandatory statutory provisions (other than its urban sprawl analysis”) that govern future land use amendments such as this one.

The Amendment violates §163.3177 (6)(a).8, Fla. Sta., which requires that future land use map amendments be based upon:

- “b. An analysis of the suitability of the plan amendment for its proposed use **considering the character of the undeveloped land....**
- c. **An analysis of the minimum amount of land needed to achieve the goals and requirements of [the statute].”** (emphasis added).

Approval of the amendment would also violate §163.3177 (6) (a)(2)c, Fla. Stat., as it would not be based upon the data and analysis concerning the character of the undeveloped land. Neither the Application nor the Staff Report include any analysis of the amount of land required to meet the County's projected residential needs under the comprehensive plan's current timeframe. But state law requires that the extent of allowed future land uses be based upon the data and analysis identifying the "amount of land *required* to accommodate anticipated growth." §163.3177 (6) (a)(2)a, Fla. Stat.

This is a mandatory requirement relative to proposed land use changes; It is a major omission in the staff analysis. There is no demonstration or even consideration whatsoever of there being any kind of housing deficit that this application is necessary to meet. As such, it is a very unnecessary suburban intrusion into a region the Comprehensive Plan seeks to preserve.

Conclusion

The Comprehensive Plan's RMA policies are well thought out and carefully crafted to allow some flexibility for development, and balance the various interests in the relevant regions of the County – pursuant to the explicit guidelines adopted therein. Any changes to those guidelines – particularly the dramatic changes sought by this applicant – completely undercut their very purpose – to the detriment to those citizens who rely upon them.

We also note that the Staff Report emphasizes several times that the subject site is private property. If those references are to suggest that somehow it is inappropriate to strictly apply state planning law or the County's Comprehensive Plan to the application, such a notion is completely misguided. Private property rights do not render landowners immune from otherwise valid comprehensive planning restrictions; no property right exists to receive approval of a land use change to increase uses or density. *Martin County v. Yusem*, 690 So. 2d 1288 (Fla. 1997). All landowners acquire land subject to existing planning and zoning restrictions. *Namon v DER*, 558 So. 2d 504 (Fla. 3d DCA 1990); *Good v. United States*, 39 Fed. Cl. 81, 112-14 (1997).

Instead, in a situation like this, the responsibility is to existing County residents and taxpayers and fidelity to the County's duly – adopted Comprehensive Plan.

The Old Miakka community was founded in 1850 and has remained an active rural community since then. In 2019, Old Miakka was recognized as a "This Place Matters", part of the *Place Matters* national campaign that celebrates special communities in the U.S. CPA 2022-B threatens an historic rural community which has cow pastures, homesteads and row crops and hay fields. The Sarasota County Comprehensive Plan is about preserving the opportunity for current and future generations to have the ability to have a rural lifestyle where they can live on. learn from and love the land.

We urge the County to uphold the Comprehensive Plan and protect this special community by rejecting this application.

Respectfully submitted,



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