

October 6, 2022

The Honorable Alan Maio
Chairman, Sarasota County
Board of County Commissioners
1660 Ringling Boulevard
Sarasota, Florida 34236

Dear Chairman Maio:

The Department of Economic Opportunity ("Department") has reviewed the Sarasota County proposed comprehensive plan amendment (Amendment No. 22-06ESR), received on September 6, 2022, pursuant to the expedited state review process in Section 163.3184(2)(3), Florida Statutes (F.S.). We have identified no comment related to adverse impacts to important state resources and facilities within the Department's authorized scope of review.

We are, however, providing four technical assistance comments consistent with Section 163.3168(3), F.S. The technical assistance comments will not form the basis of a challenge. They are offered either as suggestions which can strengthen the County's comprehensive plan in order to foster a vibrant, healthy community or are technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S. The technical assistance comments are:

Technical Assistance Comment (Public Facilities): The proposed amendment data and analysis should be revised to demonstrate the availability and planning for public facilities in the Comprehensive Plan. Absent the planning and availability of public facilities, the County should consider amending the Comprehensive Plan to adequately plan for the required public facilities. The amendment should demonstrate that potable water facility and sanitary sewer facility capacities are available or planned to serve the potential development at the adopted level of service standards. The amendment data and analysis should also be revised to demonstrate the availability of solid waste facilities to serve the potential development at the adopted level of service standards. The proposed amendment data and analysis should demonstrate the availability of school facilities to serve the potential development at the adopted level of service standards. The proposed amendment identifies segments of University Parkway (from Lake Osprey Drive to Bourneside Boulevard) that will not meet the adopted roadway level of service standards in the long-term (year 2045). The County should revise the amendment to be supported by data analysis addressing the planning and provision of transportation facilities that are needed to address impacts of the amendment on University Parkway.

Technical Assistance Comment (Nonresidential Uses and Intensity of Use): The proposed amendment does not establish meaningful and predictable standards as required by Section 163.3177(1), Florida Statutes. Proposed Village Transition Zone (VTZ) Policy 2.1 does not clearly identify all of the general types of nonresidential land uses that are allowed. The Policy should be revised to establish meaningful and predictable standards that identify all of the general types of nonresidential land uses that are intended to be allowed within the Village Transition Zone without deferral to the land development regulations. For example, proposed VTZ Policy 2.1 allows internal civic as well as other nonresidential land uses; however, proposed VTZ Policy 2.1 does not establish meaningful and predictable standards defining the “other nonresidential land uses” that are intended to be allowed by VTZ Policy 2.1. The proposed amendment should be revised to establish meaningful and predictable standards for the intensity of use of nonresidential uses that are allowed by the proposed amendment, including the nonresidential uses allowed by VTZ Policy 2.1 (all of the nonresidential uses) and VTZ Policy 3.1 (public safety stations and community centers).

Technical Assistance Comment (Greenway, Open Space, Greenbelt): VTZ Policy 3.3 allows alternative greenway buffer configurations and defers the design criteria of the buffers to the land development regulations. The Policy should be revised to establish meaningful and predictable standards in the Comprehensive Plan defining the design criteria of the Greenway buffer configurations. VTZ Policy 3.1 allows land uses (public facilities such as public safety stations and community centers) that are not consistent with the proposed definition of Open Space. The County should revise VTZ Policy 3.1 to be consistent with the definition of Open Space. Buildings that comprise public safety stations and community centers should not constitute open space. VTZ Policy 3.2 should be revised to establish meaningful and predictable standards regarding: (1) defining the types of land uses that are allowed within a greenbelt consistent with the purpose of a greenbelt; (2) requiring a greenbelt minimum width that is wide enough to appropriately ensure that the greenbelt functions to clearly separate urban uses from rural uses; and (3) defining the location of the Heritage Ranch Conservation Area.

Technical Assistance Comment (Urban Sprawl): Given the character, size and location of the development potential on the proposed site, the amendment should be revised to be supported with additional data and analysis to demonstrate that it will not contribute to urban sprawl. Otherwise, the amendment could be modified to address the criteria in Section 163.3177(6)(a)9., Florida Statutes, as necessary.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency

comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.

- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

If you have any questions concerning this review, please contact Scott Rogers, Regional Planning Administrator, by telephone at (850) 717-8510 or by email at scott.rogers@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Barb Lowell for James Stansbury".

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/sr

Enclosure(s): Procedures for Adoption

cc: Matthew Ousterhoudt, Planning and Development Services Director, Sarasota County
Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://fldeo.my.salesforce-sites.com/cp/>) **or** submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.