



MEMORANDUM

Date: 08-31-20

To: Honorable Board of County Commissioners
Planning and Zoning Board

From: Jie Shao, AICP, MCP, Planner, Principal

Subject: Revisions to the Future Land Use (FLU) Element, TCP-20-04

Request:

A publicly-initiated request to amend the Future Land Use (FLU) Element of the County's Comprehensive Plan by Revising:

- 1) FLU Policy 1.2.17: Incentive Density Usage, to add Item 4 addressing development under Mixed-Use (MU) and Planned Development (PD) zoning; and
- 2) FLU Appendix I: Land Use Guide, to amend the Compact Growth Mixed Use (CGMU) Future Land Use designation.

Staff Recommendation:

Approve transmittal of Petition No. TCP-20-04 to the Department of Economic Opportunity (DEO) and other State review agencies for review and comment, based on the findings and analysis in the Comprehensive Planning Division staff memorandum dated August 28, 2020 and any evidence presented at the public hearing.

The Planning and Zoning Board proposed recommendation for September 14, 2020:

*A motion to forward application TCP-20-04 to the Board of County Commissioners with a recommendation of **Approval /Denial** of transmittal of TCP-20-04 to the Department of Economic Opportunity (DEO) and other State review agencies for review and comment, based on the findings and analysis in the Comprehensive Planning staff memorandum dated August 31, 2020, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.*

Applicant:

Charlotte County Board of County Commissioners, 18500 Murdock Circle, Port Charlotte, FL 33948

Data and Analysis:

Staff initiated an amendment to the Future Land Use (FLU) Element of the County's Comprehensive Plan by revising FLU Policy 1.2.17: Incentive Density Usage, to add Item 4 addressing development under Mixed-Use (MU) and Planned Development (PD) zoning; and FLU Appendix I: Land Use Guide, to amend the Compact Growth Mixed Use (CGMU) Future Land Use designation.



Reason for This Text Amendment

Amendment to FLU Policy 1.2.17: Incentive Density Usage

The Land Development Regulations are tools to implement policies set forth in the County's Comprehensive Plan. Therefore, an amendment to FLU Policy 1.2.17: Incentive Density Usage is necessary.

Staff also concurrently initiated a text amendment, TLDR-20-02, to amend Section 3-9-45: Planned Development (PD), and a text amendment, TLDR-20-03, to create new section 3-9-46: Mixed-Use (MU) zoning. In order to promote mixed use development, preserve and protect environmentally sensitive resources, redesign and replat antiquated subdivisions, provide low-, and moderate-income housing, enhance public infrastructure, and encourage better communities under the PD zoning and the new Mixed-Use (MU) zoning, a new subsection is proposed under the PD and MU zoning districts to establish:

- Different percentage of the proposed residential development which the County may grant Incentive Density at no cost to the developer(s).
- The process on how to grant Incentive Density.
- The timeline for the developer(s) to use Incentive Density for their residential development.

Amendment to the Compact Growth Mixed Use (CGMU) Future Land Use Map (FLUM) designation

The CGMU FLUM designation was originally created in 2008 due to the lack of a Future Land Use Map (FLUM) designation that allows for mixed use development within the Urban Service Area of the County. Only one project, "West County Town Center", was approved under the CGMU FLUM category via Ordinance Number 2009-002.

During the implementation of this FLUM designation, staff introduced this land use category to potential developers; however, to date no developments have utilized this land use category due to some unrealistic criteria such as shelter-in place requirements. Therefore, this FLUM category was recreated as part of the County's current Comprehensive Plan. Since the new CGMU FLUM category was approved by the Board of County Commissioners (Board) on July 20, 2010 taking effect on June 15, 2011, only one project, "Boca Granda Village & Marina", has been approved using the provisions set forth under this land use category. In order to encourage and promote compact mixed-use development in appropriate locations within the County and to clarify the intent of "Open Space", staff initiated some minor modifications to the land use category.

History of Incentive Density

The County has retained a total of 13,092 units of Revitalizing Neighborhood Incentive Density (RAPID) since adoption of the County's Comprehensive Plan in 2010. The original intent of RAPID density is to use them as incentives for redevelopment within Revitalizing Neighborhoods. Since then, in order to promote redevelopment in Revitalizing Neighborhoods, in 2015, the Charlotte Harbor Community Revitalization Plan was adopted by the Board via Ordinance Number 2015-013, and the requirements of RAPID density usage were established as part of this Revitalization Plan. There has been no development or redevelopment using RAPID density since then.



In order to achieve the intent of RAPID density and the vision established in the County's Comprehensive Plan, such as various housing opportunities within the County, on September 27, 2016, the Board adopted Ordinance Number 2016-032 to:

- Rename "Revitalizing Neighborhoods Incentive Density" (RAPID) to "Incentive Density";
- Revise Future Land Use (FLU) Policy 1.2.16: Incentive Density; and
- Add new FLU Policy 1.2.17: Incentive Density Usage to promote market rate rental properties, low- and very low-income housing, and moderate-income/ workforce housing.

In 2017, the Parkside Community Revitalization Plan was also adopted by the Board via Ordinance Number 2017-058, and the requirements of Incentive Density usage were also created as part of this Revitalization Plan.

Since then, Incentive Density has been granted or reserved for several projects.

Current Usage of Incentive Density

Project	Instrument	Incentive Density (Unit)
Creation of Incentive Density (a.k.a. RAPID Density)	Ordinance Number 2010-039	13,092
Springs at Port Charlotte	Resolution Number 2017-189	256 (Developed - DRI Related)
Family Service Center	Resolution Number 2017-270	83 (Reserved)
Bachman Tract	Resolution Number 2018-120	1,013 (Reserved)
Sandhill - a Residential Subdivision (DRC-18-00059)	Resolution Number 2019-078	1 (Granted - DRI Related)
Charlotte Common Apartment	Resolution Number 2020-013	264 (Granted - DRI Related)
Available Incentive Density		11,475

Consistency with the County's Comprehensive Plan

The proposed new Item 4 under FLU Policy. 1.2.17: Incentive Density Usage, will not increase densities throughout the County, because in order to use Incentive Density, the property must have an appropriate Future Land Use Map designation and Zoning district. In addition, if the proposed project does not have an appropriate land use designation, then a Future Land Use Map amendment is needed. The review process for an amendment requires looking at the proposed changes and associated traffic statement which will identify any deficiencies on all roadways within the zone of influence. At that point, both State and County staff will review and make comments on the traffic statement, and then the project can use



incentive density per this policy. All proposed projects which are qualified for Incentive Density must be located outside of the Coastal High Hazard Areas.

In addition, it is not the intent of Section 163.3177(1), F.S., to require the inclusion of implementing regulations in the Comprehensive plan; rather, the intent is to require identification of those programs, activities, and LDRs that will be part of the strategy for implementing the Comprehensive plan and the principles that describe how the programs, activities, and Land Development Regulations will be carried out. Section 163.3177(1), F.S., also states that *the plan* (which means that County's Comprehensive Plan) *shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations*. In order to be consistent with Section 163.3177(1), F.S., the proposed Item 4 specifically states that *"percentage of and timeline of utilization of Incentive Density shall be established under the PD and MU zoning districts"*.

The proposed changes will allow development under the CGMU FLUM designation to be located in other appropriate locations instead of only in Revitalizing and Emerging Neighborhoods, which is consistent with the sub-goal under FLU Goal 1: 2050 Framework, which states to *implement a land use and development framework based upon Smart Growth Principles that will promote a compact, efficient, and environmentally sensitive pattern of development*.

In addition, under the County's Land Development Regulations, "Open Space" is defined in Section 3-9-2, Rules of construction; definitions, as *land area unencumbered by an impervious surface which may include waterways and vegetation areas*. However, a public gathering area and an outdoor space instead of stormwater ponds or pure green areas, is a necessary feature to achieve walkable development. Therefore, staff is proposing to add the following language to the CGMU FLUM designation to clarify the intent of "Open Space":

"Outdoor public gathering places may be considered as open space, such as open-air plazas."

Conclusion

Based on the above, staff recommends approval of this text amendment, TCP-20-04, to be transmitted to the Department of Economic Opportunity (DEO) and other State review agencies for review and comment.

FUTURE LAND USE - GOALS, OBJECTIVES AND POLICIES

FLU Policy 1.2.17: Incentive Density Usage

In order to promote development and redevelopment within Revitalizing Neighborhoods and other appropriate locations within the County, as well as address the deficiency of market-rate rental properties, low-, very low- and moderate-income housing and workforce housing, ~~and promote development within Economic Centers and Community Redevelopment Areas,~~ the County may grant, at no cost to grantee, Incentive Density in the following circumstances:

1. In ~~Revitalizing~~Revitalization Neighborhoods with plans created and adopted consistent with FLU 4.2.1, for density increases above base density.
2. Increases above base density for projects solely used for long-term market-rate rental properties, low-, very low- and moderate-income housing, or workforce housing. Market-rate rental project must be in perpetuity, and low-, very low- and moderate-income housing, or workforce housing project must be 20 or 30 years depending on funding sources, i.e. State or Federal funding. Such projects must be located outside of the Coastal High Hazard areas, within Economic Centers, Economic Districts, or Revitalizing Neighborhoods, and shall not be age-restricted. In addition, if such properties are located west of the Myakka River and Charlotte Harbor, the Incentive Density shall come from Managed Neighborhoods west of the Myakka River and Charlotte Harbor, and must come from a similar or more restrictive FEMA Flood Zone.
3. For use of an adopted equivalency matrix or conversion table to increase residential dwelling units above the maximum approved by this Plan or DRI development orders, provided such property is located outside of the Coastal High Hazard Area and shall not be located west of the Myakka River and Charlotte Harbor.
4. To encourage concentrated, energy-efficient or mixed-use land development within Maturing Neighborhood, Emerging Neighborhood, Revitalizing Neighborhood, Economic Centers, Economic Districts, or Community Redevelopment Areas. In order to receive Incentive Density, the development must be located outside of the Coastal High Hazard areas. If the development is located west of the Myakka River and Charlotte Harbor, the Incentive Density shall come from Managed Neighborhoods west of the Myakka River and Charlotte Harbor, and must come from a similar or more restrictive FEMA Flood Zone. Such development shall be processed under the Planned Development (PD) or Mixed Use (MU)

zoning district. Percentage of and timeline of utilization of Incentive Density shall be established under the PD and MU zoning districts.

FLU APPENDIX I: LAND USE GUIDE

SECTION 3: THE OFFICIAL FUTURE LAND USE MAP

MIXED USE LAND USES

COMPACT GROWTH MIXED USE (CGMU)

This land use designation is established to advocate compact, transit-oriented, walkable and bicycle-friendly, mixed-use development within the Urban Service Area. ~~This type of development shall only be located within Revitalizing and Emerging Neighborhoods.~~

General Range of Uses

Single-family attached and detached residential dwelling units, multi-family residential dwelling units, commercial uses including professional office and institutional uses, industrial uses and public services and facilities.

Maximum Density/Intensity

Density: Maximum density is 65 dwelling units per acre, gross

Intensity: Commercial: 2.5 FAR of the commercial or mixed use acreage

Industrial: 1.0 FAR of the industrial acreage

Table A-4.: Compact Growth Mixed Use Percentage of Mix of Uses		
Land Use	Minimum Development Percentage (gross acreage)	Maximum Development Percentage (gross acreage)
Residential	20	75
Commercial	20	75
Industrial	No minimum	50
Recreational <u>or</u> /Open Space*	5	10

* Outdoor public gathering places may be considered as open space, such as open-air plazas.

Requirements of the Plan Amendment

1. *Size of Development.* This type of development shall contain a minimum of two acres.
2. *Master Development Plan.* The County shall require plan amendments to CGMU to contain a Master Development Plan approved by the Board of County Commissioners and adopted in FLU Appendix VII: Compact Growth Mixed Use, that includes the following:
 - a. Land uses, densities and intensities, and base density.

- b. Location of access points; circulation, including internal circulation, street design, and pedestrian and bicycle access; stormwater features; recreational and open space; residential, commercial or industrial uses.
 - c. A pattern book, including sketches and photos that depicts all major elements of the development, such as: site access and circulation, landscaping and buffering, public gathering space, recreational sites, lighting, signage, stormwater and development pod site design, and form and character of the residential, commercial and industrial structures.
 - e. However, "Master Development Plan" is not required if a Mixed Use (MU) rezoning is concurrently submitted.
3. *Transfer Density Units.* If residential development is proposed, the applicant must supply information that establishes a base density for the project site. Development of residential above the base density shall require a transfer of density unless development is occurring as devised within a Revitalization Plan: provided, however, that any residential development above the base density within the Placida Revitalizing Neighborhood shall require a transfer of density pursuant to FLUM Policies 1.2.7 through 1.2.17 (TDU Program).

Special Provisions

- 1. *Location and Site Layout.*
 - a. The project must be sensitive to surrounding developments with regard to density, intensity, height, scale and character. The site layout and building design shall mitigate traffic, parking, noise and compatibility issues wherever possible.
 - b. The site layout shall create clusters of buildings to promote a variety of transportation options, such as pedestrian, bike, automobile, mass transit, etc.
 - c. All portions of the development shall be accessible by a direct, convenient, attractive, safe and comfortable system of pedestrian facilities, and the development shall provide appropriate pedestrian amenities.
 - d. The intent of this land use category is to create a compact development pattern, therefore, long, shallow tracts or deep, narrow tracts are generally not appropriate for this type of development.
- 2. *Mix of land uses.*
 - a. The combining of land uses must promote easy access among services, stores and other amenities, especially by pedestrians.
 - b. To best achieve a mix of land uses, the project shall be developed such that for every one dwelling unit there are between 50-400 square feet of non-residential building space; however, this range may be increase for special projects.

- c. The project attribute shall include multiple buildings, more than one land use within the project, and a comprehensive development plan. Buildings may also accommodate one or more uses.
- d. Buildings on the site shall be connected by internal streets and drives, and pedestrian connections and pathways.
- e. Buildings and individual project components may use common features and support services such as parking, servicing, loading, and utility areas.
3. *Connectivity.* A street system shall provide linkages to local shopping, services, housing, and amenities, as well as linkage between adjacent developments.
4. *Phasing Development.* If the development is phased, the first phase shall be sufficient to stand on its own as a mixed-use development. At a minimum, non-residential development shall be in the ratio of 50 square feet per each dwelling unit.
5. *Flexible Parking.* Parking requirements are not necessarily the sum of requirements for each individual use. Parking requirements will be established on a project-by-project basis with an emphasis on shared parking.
6. *Watershed Protection.* Low Impact Design techniques shall be required to supplement and enhance traditional stormwater retention/detention development.
7. *Compatibility:* Residential, commercial or industrial development shall be built to be compatible visually with the surrounding uses.
8. *Shelter Requirement:* Where the project is located within the Coastal High Hazard Area or Category II Storm Surge Zone, all residents shall be required to evacuate and the developer is required to provide monetary contributions to the County's shelter system. If outside these areas, sufficient shelter shall be created in each development to support the residential population of the development in the event of a natural disaster.
9. *Implementing Zoning.* The implementing zoning districts under CGMU shall be a Planned Development district ~~or-and~~ a Compact Mixed Use district, ~~as may be developed and adopted into the Land Development Regulations.~~
10. *DRI threshold.* If a project developing under the CGMU FLUM designation meets the threshold of a Development of Regional Impact (DRI), a plan amendment to Mixed Use DRI is not required.