

**COMMITTEE MEETING  
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE  
DESOTO COUNTY, FLORIDA  
JANUARY 13, 2017**

**I. CALL TO ORDER**

**8:15 AM**

**II. MINUTES APPROVAL**

1. **Economic Development Advisory Committee - Committee Meeting - Dec 2, 2016 8:15 AM**

**III. REGULAR BUSINESS**

1. **Asena Mott, Director of South Florida State College DeSoto**  
2. **Brainstorming continuation**

**IV. PUBLIC COMMENTS**

**V. COMMITTEE COMMENTS**

**VI. STAFF COMMENTS**

A. **Mike Taber**

i. **Chamber Foundation Meetings**

ii. **Marketing Video**

iii. **Facade Improvement Grant Program**

B. **Earl Hahn**

1. **Density discussion**

Discussion of Comp Plan allowances for density

**VII. ADJOURN**

**NOTE:** For quasi-judicial matters, any party desiring a verbatim record of the proceeding of this hearing for the purpose of an appeal is advised to make private arrangements for the production of a record and anyone wishing to present documents or other written evidence to the Board must provide eight (8) copies of the written material. If special accommodations are required in accordance with the Americans with Disabilities Act, individuals should contact the County Administrator's Office by calling 863-993-4800 at least forty-eight hours prior to the hearing.

**COMMITTEE MEETING OF THE ECONOMIC DEVELOPMENT ADVISORY  
COMMITTEE  
HELD ON DECEMBER 2, 2016 AT 8:15 AM  
IN THE EXTENSION OFFICE  
2150 NE ROAN ST  
ARCADIA, FLORIDA**

The Economic Development Advisory Committee held a Committee Meeting on December 2, 2016.

**I. CALL TO ORDER                      8:15 AM**

Attendee Name	Title	Status	Arrived
Tony Guidry	Member	Present	
Lew Ambler	Vice Chairman	Present	
Mary-Kay Burns	Member	Present	
Karyn Gary	Member	Absent	
Bill Hackney	Member	Present	
Jan Harvin	Member	Present	
Heather Nedley	Member	Present	
Andy Neuhofer	Chairman	Present	
Beth Carsten	Member	Present	
Robert Womack	Member	Present	
Earl Hahn	Member	Present	8:40 AM
Gary Kline	Maxim Realty	Present	
David Noel	Consultant	Present	
Danielle Blosser	Member	Excused	
Kathy Gamotia	Member	Present	

**II. MINUTES APPROVAL**

**1. Economic Development Advisory Committee - Committee Meeting - Jul 6, 2016 8:15 AM**

Ms. Kathy Gamotia was present and voted Yes/Aye. Due to a glitch in the reporting system, she is not listed above.

<b>RESULT:</b>	<b>ACCEPTED [7 TO 0]</b>
<b>MOVER:</b>	Jan Harvin, Member
<b>SECONDER:</b>	Heather Nedley, Member
<b>AYES:</b>	Guidry, Ambler, Hackney, Harvin, Nedley, Neuhofer, Womack
<b>ABSENT:</b>	Gary, Carsten
<b>AWAY:</b>	Burns, Hahn

**III. REGULAR BUSINESS**

**1. Brownfield Letter of Support**

Update on letter signed by Committee Chairman

Mike Taber described the Brownfield application the City of Arcadia, DeSoto County and the Central Florida Regional Planning Council is making to the Environmental Protection Agency. A letter was signed by Mr Neuhofer in August supporting this application on behalf of the EDAC.

**2. Brainstorming**

Review the attached strengths and weaknesses and provide recommendation

The committee reviewed the brainstorming sheet and after discussion agreed to roll this exercise to the January 2017 meeting

**3. Public Lands and State Parks Discussion**

The committee discussed the new Peace River Forest and recreational lands in DeSoto County. Earl Hahn gave an overview of the steps he will be taking to re-designate certain lands as commercial recreational and recreational on the future land use maps.

**IV. PUBLIC SPEAKERS**

**1. Gary Kline**

Gary Kline from Maxim Commercial Realty gave an overview of the properties listed with his firm in DeSoto County and discussed the current commercial real estate market in DeSoto County.

**2. David Noel**

David Noel from Small Business Development Center gave an overview of his services and warned the committee about scams targeting entrepreneurs where they are scammed out of thousands of dollars for tasks in business formation that cost hundreds to accomplish on their own, or with free services from the SBDC or similar organization. Topics included Business Continuity, Government Contracting, Senior Protection, and Value Added Agricultural endeavors.

**V. COMMITTEE COMMENTS**

Mary Kay Burns told the committee that the Health Department is conducting a Health Assessment on the County and would share a link to a survey the committee could use to participate.

**VI. STAFF COMMENTS**

**A. Mike Taber**

Mike Taber gave an overview of his Atlanta Site Selectors trip and South Florida State College's new Director Asena Mott

**B. Earl Hahn**

Mr. Hahn gave an overview of road projects that have been awarded to the County by FDOT. The committee asked that a list of these projects be forwarded to the committee by email (sent 12/2/16)-information below

Mr. Hahn outlined a Comp Plan Amendment on Density which he is planning to take to the Board of County Commissioners in January. Consensus of the committee was that they want to review this at the January meeting.

FDOT GRANT PROJECTS LOCATION	2017	2018	2019	2020	2021	2022
SR 31 EXTENSION/ SR 70 TO US 17	\$ 3,000,000.00			\$ 4,450,000.00		
CR 661/SR70 TO COUNTY LINE	\$ 4,048,269.00					
CR 763 SR 31/SR31	\$ 5,411,414.00					
TURNER AVE @ ROAN		\$ 150,000.00	\$ 905,780.00			
SW FLETCHER/US17 TO HILLSBOROUGH	\$ 686,027.00					
HILLSBOROUGH/FLETCHER TO ADEL				\$ 1,592,234.00		
SE DURRANCE/AIRPORT TO SR 31				\$ 839,179.00		
SW SHORES/BEARD TO CR760A	\$ 1,666,717.00					
NW WINDY PINE/SR72 TO END OF ROAD		\$ 627,724.00				
ROBERTS AVE/GIBSON, NURSING HOME DR				\$ 165,000.00	\$ 721,787.00	
CR 760A SIDEWALK/WELLES TO CARLTON					\$ 90,000.00	\$ 183,007.00
WELLES SIDEWALK/760A TO US17					\$ 100,000.00	\$ 295,919.00
MAPLE SIDEWALK/MILLS TO LA SOLANA				\$ 80,000.00	\$ 140,820.00	
CR761 BRIDGE SCOUR			\$ 1,192,201.00			
REYNOLDS ST BRIDGE			\$ 1,320,146.00			

SW SENATE/US17 TO GRAPE		\$ 1,852,048.00			
HULL/SENATE TO US17				\$ 2,771,078.00	
CR769/KINGS HWY TO PEACE RIVER				\$ 550,000.00	
MASTERS AVENUE	\$ 4,048,239.00				

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\$ 18,860,666.00	\$ 777,724.00	\$ 3,418,127.00	\$ 8,978,461.00	\$ 4,373,685.00	\$ 478,926.00
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TOTAL ALL PROJECT YEARS \$ 36,887,589.00

**VII. ADJOURN**

Mr. Ambler moved to adjourn at 9:27AM, Mrs. Harvin seconded and the meeting was adjourned unanimously.

Minutes Acceptance: Minutes of Dec 2, 2016 8:15 AM (Minutes Approval)

**BOARD OF COUNTY COMMISSIONERS  
DESOTO COUNTY, FLORIDA  
DATE: January 13, 2017**

Consent Agenda  
 Regular Business  
 Public Hearing  
 Quasi-Judicial Public Hearing  
Time

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**DEPARTMENT:** Economic Development  
**SUBMITTED BY:** Mike Taber,  
**PRESENTED BY:** Asena Mott,  
**TITLE & DESCRIPTION:** Asena Mott, Director of South Florida State College DeSoto  
**REQUESTED MOTION:** None- Informational  
**SUMMARY:** Ms. Asena Mott has been named Director of South Florida State College, DeSoto. The Board of County Commissioners appointed Ms. Mott to the Economic Development Advisory Committee in the role of Education representative on 12/13/16. Ms. Mott will spend 5-10 minutes introducing herself to the committee and talking about South Florida State College.

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**BACKGROUND:**

Mrs. Asena Mott has taken on the post of director of the DeSoto Campus of South Florida State College. She assumed her duties on Nov.8, after a search to replace Suzanne Demers, who resigned her position at the Arcadia-based campus earlier this year. After graduating from SFSC, Mott completed her undergraduate education at Florida Gulf Coast University. Mott then went on to a 20-year span teaching and supervising in private and public schools. Along the way, she earned a master’s degree in educational leadership. For the past five years, Mott has served as the principal of Meadow Park Elementary School in Port Charlotte. Before that, she served as an assistant principal.

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**FUNDS:** Budget Amount N/A  
Actual Agenda Item N/A  
Cost:  
Account Number: N/A  
Explanation: N/A

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**ATTACHMENTS:**

**REVIEW APPROVAL:**

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Department Director

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Finance Director

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Budget Department

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Purchasing Department

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County Attorney

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County Administrator

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**BOARD OF COUNTY COMMISSIONERS  
DESOTO COUNTY, FLORIDA  
DATE: January 13, 2017**

Consent Agenda  
 Regular Business  
 Public Hearing

Quasi-Judicial Public Hearing  
Time

<b>DEPARTMENT:</b>	Economic Development
<b>SUBMITTED BY:</b>	Mike Taber,
<b>PRESENTED BY:</b>	Andy Neuhofer, Chairman
<b>TITLE &amp; DESCRIPTION:</b>	Brainstorming continuation
<b>REQUESTED MOTION:</b>	A list of actionable items the committee can investigate to make recommendations to the Board of County Commissioners regarding Economic Development in DeSoto County
<b>SUMMARY:</b>	
<b>BACKGROUND:</b>	
<b>FUNDS:</b>	Budget Amount N/A Actual Agenda Item N/A Cost: Account Number: N/A Explanation: N/A
<b>ATTACHMENTS:</b>	Strength weakness
<b>REVIEW APPROVAL:</b>	Department Director
	Finance Director
	Budget Department
	Purchasing Department
	County Attorney
	County Administrator

What are the Strengths and Challenges of our community?

**Strengths**

**Challenges**

Business Strength	How should BOCC leverage/support?
Low cost alternative to large FL markets	
Existing agricultural workforce with transferable skills	
Progressive High School Vocational and Dual Enrollment Plans	
Support from State and Utility Economic Development	
Qualified Economic Development professionals	

Challenges/Barriers to Businesses	How should the BOCC address?
Lack of qualified workforce	
Lack of competitive real estate offerings	
Frequent areas of blight	
Lack of funding for economic development	
Poor education attainment	
Increased competition from coastal communities	
Lack of production industry	
Undeveloped technology training resources	
Crop disease/need to diversify agricultural and related processing businesses	

**Opportunities**

Rising cost of doing business in large FL markets	
Access to Central and South Florida population base	
Increasing population base	
Increasing Taxpayer base	

Attachment: Strength weakness (1887 : Brainstorming continuation)





AGENDA ITEM

**BOARD OF COUNTY COMMISSIONERS  
DESOTO COUNTY, FLORIDA  
DATE: January 13, 2017**

<b>DEPARTMENT:</b>	Economic Development
<b>SUBMITTED BY:</b>	Mike Taber,
<b>PRESENTED BY:</b>	Earl Hahn, Development Director
<b>TITLE &amp; DESCRIPTION:</b>	Density discussion
<b>REQUESTED MOTION:</b>	
<b>SUMMARY:</b>	
<b>BACKGROUND:</b>	
<b>FUNDS:</b>	Budget Amount N/A Actual Agenda Item N/A Cost: Account Number: N/A Explanation: N/A
<b>ATTACHMENTS:</b>	Exhibit 1 on development bonus
<b>REVIEW APPROVAL:</b>	Department Director
	Finance Director
	Budget Department
	Purchasing Department
	County Attorney
	County Administrator

**EXHIBIT 1**

**DEVELOPMENT BONUS RELATED COMPREHENSIVE PLAN AMENDMENTS**

**Background:** The Future Land Use Element has four (4) policies that relate to the density and intensity bonus program. One of these policies establishes for four (4) future land use categories a base non-residential intensity as measured by floor area ratio (FAR) that is too high to encourage the use of the bonus program. Two of the policies set a maximum non-residential intensity for several future land use categories that are unrealistic for DeSoto County. A third policy establishes a methodology for calculating the allocation of the development bonus in a manner that could result in a benefit to the developer that substantially exceeds any benefit to the County. Further, it could result in the arbitrary and capricious allocation of the development bonus. The fourth policy limits the manner in how the bonus is allocated. The proposed amendments address these matters.

1. **Requested Action:** Amend FLUE Policy 1.1.2

**FLUE Policy 1.1.2: Land Use Categories.** The County shall implement the following land use categories as shown on the Future Land Use Map.

Land Use Categories	Base Density/Intensity	Bonus* (Policy 1.1.3)
Rural/Agriculture	Residential – <del>Up to 1 du/10 acres</del> <u>minimum</u> Non-residential – Up to <del>0.4</del> <u>0.10</u> FAR maximum	<b>No bonus</b>
Low-Density Residential	Residential – <del>Up to 2 du/acre</del> <u>minimum</u>	3.5 du/ac maximum*
Medium-Density Residential	Residential – <del>Up to 3.5 du/acre</del> <u>minimum</u>	5 du/ac maximum*
Neighborhood (Live/Work) Mixed Use	Residential – <del>Up to 3.5 du/acre</del> <u>minimum</u> Non-residential – <del>Up to 0.4</del> <u>0.10</u> FAR <u>maximum</u>	5 du/ac maximum* 0.6 <u>0.20</u> FAR maximum*
Employment Center	Non-residential – <del>Up to 0.5</del> <u>0.15</u> FAR <u>maximum</u>	0.7 <u>0.45</u> FAR maximum*
Urban Central Mixed Use	Residential – <del>Up to 5 du/acre</del> <u>minimum</u> Non-residential – <del>Up to 0.6</del> <u>0.15</u> FAR <u>maximum</u>	8 du/acre maximum 2.0 <u>0.30</u> FAR maximum
Commercial	Non-residential- <del>Up to 0.25</del> <u>FAR maximum</u>	0.35 <u>0.45</u> FAR maximum*
Public Land and Institutions	Publicly and semi-publicly owned lands that are effectively controlled from developing into a typical residential density or private non-residential land use not involved in service to the public. Examples include park, correctional facilities, sewer plants, etc.	
Electrical Generating Facility	This land use category is intended for electrical power generating facilities, which includes electric power plants and related facilities. This public service use includes directly related facilities for the production of electricity.	
Preservation	Dedicated by plat, site plan, easement or similar designation; permanently protected environmentally sensitive lands that may only be utilized for limited passive recreation	
Overlays	<b>Conservation:</b> Limited development subject to environmental analysis and protection of natural resources. Reverts to underlying future land use category if not in conservation area.	
	<b>Generalized Phosphate Mining:</b> Areas identified as having the highest potential for phosphate mining based on soil types and recognized mineral deposits.	

Attachment: Exhibit 1 on development bonus (1888 : Density discussion)

**EXHIBIT 1**

**DEVELOPMENT BONUS RELATED COMPREHENSIVE PLAN AMENDMENTS**

Land Use Categories	Base Density/Intensity	Bonus* (Policy 1.1.3)
Master Planned Area	Identified and planned larger projects that must be developed as a whole. They are identified to ensure overall community/county integration and vision is achieved, versus isolated islands of development.	

**Justification:** There are several reasons for amending FLUE Policy 1.1.2. First, it failed to establish minimum density and intensity standards for the various future land use categories. For example, the Low Density Residential (LDR) and the Medium Density Residential (MDR) categories do not have any minimum density. The problem with the lack of a minimum density is that it allows zoning districts with land uses that are inconsistent with the land uses allowed under the future land use categories.

Second, the policy establishes a floor area ratio (FAR) for several future land use categories that are either too high to encourage use of the bonus program or are so high as to be economically unfeasible. Table A shows the size in square feet per acre of various floor area ratios. It also has a column showing the existing and recommended FAR by future land use category.

**TABLE A  
FLOOR AREA RATIO (FAR) EQUIVALENCY TABLE**

FLOOR AREA RATIO (FAR)	SQUARE FEET PER ACRE	NOTES
0.05	2,178	
0.10	4,356	<b>Recommended</b> Maximum FAR without Bonus in Rural/Agriculture category (Note: With minimum 10 acres property size, this FAR allows 43,560 square feet of development) and <b>Recommended</b> Maximum FAR without Bonus in Neighborhood Mixed Use category
0.15	6,534	<b>Recommended</b> Maximum FAR without Bonus in Urban Central Mixed Use category, <b>Recommended</b> Maximum FAR without Bonus in Employment Center category
0.20	8,712	<b>Recommended</b> Maximum FAR with Bonus in Neighborhood Mixed Use category and <b>Recommended</b> Maximum FAR without Bonus in Commercial category
0.23	10,018.8	Lee County recommended Industrial category FAR
0.25	10,890	Maximum FAR without Bonus in Commercial category recommended to be repealed
0.30	13,068	<b>Recommended</b> Maximum FAR with Bonus in Urban Central Mixed Use category
0.35	15,246	Maximum FAR with Bonus in Commercial category recommended to be repealed

Attachment: Exhibit 1 on development bonus (1888 : Density discussion)

## EXHIBIT 1 DEVELOPMENT BONUS RELATED COMPREHENSIVE PLAN AMENDMENTS

FLOOR AREA RATIO (FAR)	SQUARE FEET PER ACRE	NOTES
0.40	17,424	<b>Maximum FAR without Bonus in Rural/Agriculture and Neighborhood Mixed Use</b> categories recommended to be repealed
0.45	19,602	<b>Recommended Maximum FAR with Bonus in Employment Center</b> category and <b>Recommended Maximum FAR with Bonus in Commercial</b> category
0.50	21,780	<b>Maximum FAR without Bonus in Employment Center</b> recommended to be repealed
0.60	26,136	<b>Maximum FAR with Bonus in Neighborhood Mixed Use</b> category and <b>Maximum FAR without Bonus in Urban Central Mixed Use</b> category recommended to be repealed
0.70	30,492	<b>Maximum FAR with Bonus in Employment Center</b> category recommended to be repealed
0.80	34,848	
0.90	39,204	
1.0	43,560	
1.5	65,340	
2.0	87,120	<b>Maximum FAR with Bonus in Urban Central Mixed Use</b> category recommended to be repealed

**Sources:** DeSoto County Comprehensive Plan, Future Land Use Element; Planning and Zoning Division (Nov. 2016).

A 1.0 FAR means the building size is the same as the property size. Since the property also must accommodate water retention areas and vehicular surface areas, a 1.0 FAR means the building is at least two-stories high. Given DeSoto County’s relatively low land costs versus the high costs of building vertically, a development bonus program that rewards a developer by allowing the building size to increase vertically is unlikely to attract any users.

*So what is an appropriate FAR for existing non-residential land uses?* In September 2007, Lee County conducted a Commercial and Industrial Land Use Analysis. The Study found that the estimated FAR for industrial usage of building area above 10,000 square feet was approximately 19.5%. As the building size increases beyond the 25,000 square foot range, the FAR rises to approximately 23%. This ratio takes into account land in the building area needed for vehicular surface areas and surface water retention. For commercial properties, the study concluded 30% percent of the site would be devoted to water retention, open areas and roads, and another 30 % for parking. Thus, the study concluded a 0.40 FAR for commercial is reasonable. It should be noted that the Lee County study found that the FAR for commercial buildings was higher than for industrial buildings because Lee County had many multi-story commercial buildings. An appropriate FAR for DeSoto County is one that is high enough to accommodate the majority of projects but that is low enough to require use of the Bonus program.

Attachment: Exhibit 1 on development bonus (1888 : Density discussion)

**EXHIBIT 1**

**DEVELOPMENT BONUS RELATED COMPREHENSIVE PLAN AMENDMENTS**

Table B shows the future land use category, property and building size, and FAR for 10 of the most intensely developed projects in DeSoto County. Table A shows that except for Land and Sea, none of the developments exceeds a FAR of 0.20. The lowest FAR intensity under FLUE Policy 1.1.2, however, is 0.25. The policy implications are that non-residential developers are unlikely to apply for a FAR bonus because they can build the project they want without use of the Bonus program provisions. In order to induce non-residential developers to voluntarily enter into the Development Bonus program, the maximum FAR without a bonus must be reduced significantly.

**TABLE B  
DE SOTO COUNTY TYPICAL FAR FOR INDUSTRIAL AND COMMERCIAL PROPERTIES**

FUTURE LAND USE	DEVELOPMENT	PROPERTY SIZE IN ACRES	BUILDING SIZE	FAR
Employment Center	Walmart Distribution Center	170.84	1,226,827	0.16
Rural/Agriculture	Peace River Citrus Processing	57.00	195,924	0.08
Employment Center	Allied Recycling	19.65	23,669	0.03
Rural/Agriculture	Crown Building Products	19.14	39,931	0.05
Rural/Agriculture	Overholt Enterprises	4.92	12,248	0.06
Commercial	Walmart Plaza	21.466	179,021	0.19
Commercial	Publix Plaza	8.24	45,600	0.13
Neighborhood Mixed Use	Fender's	2.79	19,050	0.16
Rural/Agriculture	Rogers Oil	3.0	7,251	0.06
Commercial	Land and Sea <sup>1</sup>	3.2	59,154	0.42
Total 10 development projects		310.246	1,789,649	0.13

**Note:** 1 means the building is two-stories tall  
**Source:** DeSoto County Property Appraiser; Planning and Zoning Division (Nov. 2016)

Based on the data and analysis above, the Development Department recommends the following changes to the table displayed in FLUE Policy

- Rural/Agriculture category. Staff recommends the base intensity (i.e., without a Bonus) be decreased from a 0.40 FAR without Bonus to a 0.10 FAR without Bonus. This is the equivalent of 1 acre of non-residential intensity (e.g. 43,560 square feet) for every 10 acres. Table B shows that none of the projects in this category approached this intensity of development.
- Neighborhood Mixed Use (NMU) category. Staff recommends the base intensity (i.e., without a Bonus) be decreased from a 0.4 FAR to a 0.10 FAR. The reason for this decrease is threefold. First, as noted above, non-residential development in DeSoto County rarely exceeds a 0.20 FAR so a 0.4 FAR is not needed.

## EXHIBIT 1

### DEVELOPMENT BONUS RELATED COMPREHENSIVE PLAN AMENDMENTS

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Second, neighborhood non-residential uses are intended to serve the convenience of the neighborhood and not the greater community or region. Thus, a much lower FAR is warranted. Typical land uses within a neighborhood center includes a convenience grocery store, drugstore, restaurant, hair salons, medical/dental office, dry cleaner, and insurance/real estate offices.

The Urban Land Institute (ULI) defines a convenience shopping center as one having between 10,000 and 30,000 square feet of space, serving a market area population under 20,000 persons, and a market area radius of 1 mile (about 3.142 square miles). Based on 640 acres per square mile multiplied by 3.142 square miles (i.e., 1 mile radius) multiplied by 3.5 du/ac (the maximum number of dwelling units per acre without the Bonus), the "neighborhood would consist of 7,038 dwelling units. Based on 5 du/ac (the maximum number of dwelling units per acre with the Bonus), the neighborhood would consist of 10,084 dwelling units. Based on 2.5 persons per dwelling unit, the neighborhood population would be between 17,595 and 25,135 persons. Based on a 0.10 FAR, which allows 4,350 square feet per acre, the neighborhood need for between 10,000 to 30,000 square feet of commercial development could be served with between 2.2 to 6.9 acres of commercial land.

Third, a higher FAR would encourage higher intensity non-residential uses, which are incompatible with neighborhoods.

- Employment Center category. The Employment Center future land use category is intended to accommodate higher intensity commercial retail, commercial office, industrial, and institutional uses. FLUE Policies 1.1.2 and 1.1.3 allow up to 0.5 FAR without a bonus and a 0.7 FAR with a bonus. As documented elsewhere, as a general rule of thumb any FAR exceeding 0.4 will require the building be two-stories. This is because of the requirements for water retention areas, open space, and vehicular service areas. Further, because of the low cost of land and the high cost of building vertically, few developers will chose the option of building at such as high intensity. Table B shows the Walmart Distribution Center only has a 0.16 FAR. This is further evidence that both FARs are too high. Staff proposes to lower the FAR without a bonus to 0.15 and with the bonus to 0.45. The 0.45 FAR addresses those rare circumstances
- Urban Central Mixed Use category. This category allows up to a 0.6 FAR without a Bonus and up to a 2.0 FAR with a Bonus. Staff is of the opinion that any FAR exceeding 0.50 is not suitable for rural Counties. A FAR identical to the FAR for Employment Center is recommended.

## EXHIBIT 1

### DEVELOPMENT BONUS RELATED COMPREHENSIVE PLAN AMENDMENTS

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- Commercial category. As opposed to the other future land use categories, staff recommends the base density remain at a 0.25 FAR but that the Bonus density be increased from 0.35 to 0.45 FAR. As shown in Table B, Land and Sea has a 0.42 FAR and the existing 0.35 FAR makes this building a non-conforming one. Changing the Bonus FAR to 0.45 would make the Land and Sea building conforming .

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2. **Requested Action:** Amend FLUE Policy 1.1.3

**FLUE Policy 1.1.3:** ~~Density Unit~~ Development Bonus Limits. The Land Development Regulations shall ~~require Planned Developments and include performance criteria for density~~ be amended to provide development bonuses within the various for the following future land use categories, up to the following levels:

- (1) Low-Density Residential Use - Up to 3.5 dwelling units per acre
- (2) Medium-Density Residential Use - Up to 5 dwelling units per acre
- (3) Neighborhood Mixed Use – Up to 5 dwelling units per acre and up to ~~0.6~~ 0.20 FAR
- (4) Employment Center- up to ~~1.2~~ 0.45 FAR
- (5) Urban Center Mixed Use – Up to 8 dwelling units per acre; up to ~~1.6~~ 0.30 FAR
- (6) Commercial – Up to 0.45 FAR

**Justification:** There are two reasons for amending FLUE Policy 1.1.3. First, the term density unit is inappropriate because it allows an increase not just for residential dwelling units but also for non-residential square footage. Replacing the term “density unit” with “development” bonus is a more appropriate nomenclature. Second, the FAR for the various land use categories need to be amended in order to ensure internal consistency with FLUE Policy 1.1.2. Third, FLUE Policy 1.1.3 fails to recognize the bonus applies to the Commercial future land use category. The proposed amendments address these three issues.

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3. **Requested action:** Amend FLUE Policy 1.1.4

**Policy 1.1.4:** ~~Density and Intensity~~ Development Bonus Criteria. ~~A bonus point schedule shall be established within the~~ The Land Development Regulations shall be amended to provide an appropriate methodology for allocating development bonuses. The methodology may provide for a schedule that shall give consideration to the performance criteria listed below as a minimum:

- (1) Provisions and proximity to public infrastructure (water, sewer, urban roads)
- (2) Proximity to public safety (Fire/EMS )
- (3) Proximity to schools
- (4) Use of clustering and protection of environmentally sensitive areas
- (5) Increased urban design and landscaping



## EXHIBIT 1

### DEVELOPMENT BONUS RELATED COMPREHENSIVE PLAN AMENDMENTS

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- (6) Increased public recreation and open space
- (7) Affordable Housing
- (8) Mixed use developments and mixed use buildings
- (9) Adjacent to lands developed with similar densities
- (10) Connectivity between developments
- (11) Donation of usable public land
- (12) Use of multiple performance criteria to achieve higher densities
- (13) Transfer of Development Rights (TDR's)

Alternatively, a “roughly proportional” methodology may be used that allocates the extent of the development bonus based on a monetary formula or considerations.

**Justification:** It is staff’s opinion that a bonus point schedule is problematic. Specifically, a bonus point schedule is list of factors where each factor is assigned a number of points. For example, proximity to public infrastructure could be assigned 5 points, proximity to public safety could be assigned 4 points, and so on. Once you reach a predetermined number of points, then your project is allocated a bonus.

One problem with this approach is how do you value (or assign points) for each these different factors? For example, how proximate to public infrastructure or public safety must you be to merit points? Further, how do you assign the relative value of each factor against the other? For example, which factor merits more points or has more value to the community: proximity to infrastructure or proximity to public safety? This task becomes substantially more difficult the more factors that are involved.

A second problem is the point schedule includes factors that may not be appropriate. For example, since federal and state law generally prohibits development in wetlands, an environmentally sensitive area, why should any bonus be given for not building in an area where you couldn’t build anyway?

A third problem is the point schedule could allow the double, triple and even quadruple dipping of points. For example, for a property with wetlands where a portion is installed with a butterfly garden and a boardwalk through the wetland, points could be awarded for clustering and protection of environmentally sensitive areas (i.e., the wetlands), increased urban design and landscaping (i.e., the butterfly garden), increased public recreation and open space (i.e, the boardwalk), and use of multiple performance criteria to achieve higher densities (i.e., wetlands, butterfly garden, and boardwalk).

A fourth problem is once the points have been assigned, at what level do the points merit a bonus? For example, if a project gets 6 points, is that enough to assign a bonus? If so, does 12

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points merit double or four times the bonus? Again, the selection of any point level appears to be arbitrary and capricious.

A final problem is how do you communicate to the public the value added to the community as opposed to the developer? For example, if the points allows a developer to build 15 additional houses on 20 acres, how are the community benefits explained to a public that may be opposed to the increased density?

In contrast to a bonus point schedule, staff recommends the bonus be calculated based on the “discounted” monetary value to the developer, that is, the “roughly proportional” methodology. For example, if a developer has property allowing a minimum 2 dwelling units per acre (du/ac) and a maximum 3.5 du/ac with a bonus and the developer owns a 10 acre site, the maximum allowable development without the bonus is 20 du. If the developer wants to build the maximum 35 units, then a bonus of 15 units is being requested. The “roughly proportional methodology” values the bonus based on the amount of land needed to accommodate the additional dwelling units multiplied by the fair market value of the land. In this case, to building 15 more du, the developer would need an additional 7.5 units of vacant 2 du/ac land. If the fair market value of 2 du/ac land is \$10,000/acre, then the developer is requesting a bonus valued at \$75,000. To encourage the developer to participate in the program, a “discount” is offered. The amount of the “discount” is the “roughly proportional” value. So if a 25% discount is offered, the developer would pay \$56,250 (an \$18,750 savings). This payment would go towards implementing one of the stated development bonus programs. The development bonus program ordinance identifies the programs where these bonus funds would be expended. That ordinance is included in another agenda request.

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4. **Requested Action:** Amend FLUE Policy 1.1.5

**Policy 1.1.5:** ~~Density/Intensity~~ Development bonus application. A binding site plan shall ~~be required to~~ be submitted and approved by the Board of County Commissioners as part of any applicant’s request to receive ~~an intensity/density~~ a development bonus, including a rezoning, which demonstrates compliance with bonus criteria and LDR requirements. In addition, a development agreement or a developer’s agreement or both may be required.

**Justification:** The title of Policy 1.1.5 is being amended to reflect that the award of a development bonus requires submittal of an application. The term “site plan” as included here means a development plan or conceptual development plan. A development agreement is that document described in Sections 163.3220-163.3243, also known as the “Florida Local Government Development Agreement Act.”

Section 163.3227(1), FS, provides that a development agreement shall include the following:

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- (1) A legal description of the land subject to the agreement, and the names of its legal and equitable owners;
- (2) The duration of the agreement;
- (3) The development uses permitted on the land, including population densities, and building intensities and height;
- (4) A description of public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development;
- (5) A description of any reservation or dedication of land for public purposes;
- (6) A description of all local development permits approved or needed to be approved for the development of the land;
- (7) A finding that the development permitted or proposed is consistent with the local government's comprehensive plan and land development regulations;
- (8) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens; and
- (9) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction.

In contrast, a developer's agreement is usually an agreement limited to the installation of infrastructure.