



Agenda Item No. IX.A

REVISED DEVELOPMENT DEPARTMENT REPORT

The matter before the Planning Commission, sitting as the Local Planning Agency (LPA), is a proposed Ordinance granting to Grand Hacienda, LLC an amendment to the DeSoto County Comprehensive Plan Future Land Use Element Map Series Number 3 (LS 2018-04), the Interim 2040 Future Land Use Map (FLUM) by changing from Public Land and Institutional (PLI) to Urban Center Mixed Use (UCM) the designation of 6.44± acres of land generally located at 2961 NW CO RD 661. The application is before the LPA because the Development Director requests a second recommendation based upon review entity comments. *The Development Director recommends the Planning Commission enter into the record this Development Department Report and all other substantial competent evidence presented at the hearing and forward the record to the Board of County Commissioners with a recommendation that the proposed Ordinance be adopted.*

I. BACKGROUND

According to land administration records, the subject land was part of a larger tract conveyed on June 23, 1939, to the State Road Department of Florida by F. Morqus, Willie T. Morqus, J.M. Morqus, and Neva H. Morqus. The State Road Department in turn transferred and conveyed the property to the Trustees of the Internal Improvement Fund of the State of Florida (Board of Trustees) on November 21, 1967.

On April 13, 1984, the Board of Trustees entered into a 50-year lease (Lease No. 3331) with the Florida Department of Corrections (FDC) for a 6.44± acre portion of

the larger tract. Correspondence in the state file indicates that the Arcadia Road Prison opened in 1939 under the operation of the former State Road Department and that the Florida Department of Transportation (FDOT) and FDC jointly occupied some of the lands associated with the larger tract prior to the Board of Trustees' execution of a lease agreement with FDC in 1984 for the 6.44± acre tract. Property insurance records indicate that a majority of the structures on the 6.44± acre parcel were constructed in 1963, with the remainder constructed in 2005.

On May 18, 2017, FDC submitted an application to the Division of State Lands (DSL), Florida Department of Environmental Protection, requesting release of the subject lease agreement, after FDC leadership made the decision to close the Arcadia Road Prison effective June 30, 2017. After advertising the availability of the property to other state agencies, colleges, and universities, on January 9, 2018, DSL issued a State Surplus Land Bid Notification offering the property for sale, through competitive sealed bid (DSL-BID-17-023). Bids were due March 8, 2018, with a minimum acceptable bid of \$220,000. DSL retained the services of CBRE to market the property. Apparently three bids were received, and DSL selected Grand Hacienda LLC as the successful bidder. The property was sold on May 23, 2018, for \$451,000 to Grand Hacienda LLC. A recent aerial photograph showing the location of the property in relationship to surrounding land uses and roadways is depicted in Attachment A.

Since the time DeSoto County adopted its first Comprehensive Plan, the property has been designated Public Land and Institutional (PLI) on the Future Land Use Map (FLUM). The PLI designation does not allow private use of property. Unlike the G. Pierce Wood Hospital property and the Southwest Florida Water Management District property, both of which underwent a FLUM amendment before the properties were placed for sale, the DSL and CBRE failed to investigate whether a FLUM amendment would be needed in order to make private use of the property.

After purchasing the property, Grand Hacienda, LLC (GH) began cleaning it up. Thereafter, GH requested an on-site meeting with the Building Division staff to determine what types of permits would be needed to convert the former prison into a farmworker housing facility. After the meeting, the contractor submitted

building permits and the Building Division notified the contractor that they first needed to apply for and secure from the Planning and Zoning Division (PZD) a Certificate of Use before any building permits can be issued. The PZD discovered the property was designated PLI on the Interim 2040 FLUM and that the GM would need a FLUM amendment because the PLI designation does not allow use by a non-government or public agency. As a consequence, GM has filed a FLUM amendment to change the designation of the property to Urban Center Mixed Use (UCM) designation.

A letter supplementing the FLUM amendment application states the health department has permitted 161 persons to reside on the premises (See Attachment B). The dormitory housing will be cleaned and operated by 2 people; a live-in couple that will maintain the property. The housing will be used by farmworkers under the H-2A program. The H-2A temporary agricultural program allows agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature. Employment is of a seasonal nature where it is tied to a certain time of year by an event or pattern, such as a short annual growing cycle, and requires labor levels above what is necessary for ongoing operations. Employment is of a temporary nature when the employer's need to fill the position with a temporary worker will, except in extraordinary circumstances, last no longer than 1 year.

The program requires 6 days of work. The workers can work on the 7th day if they choose. The residents arrive in September and depart in June, so the property is vacant during the summer months. On the off day, most residents rest and tend to personal chores; some go to church and some work the optional extra day. There is a curfew for the property.

Transportation is provided by the employer. The Employer has 2 buses and 3 vans. The significant majority of the transportation comes in the form of these vehicles. Almost none of the residents have vehicles; in previous years with similar groups at different housing property, just one vehicle was owned by and among the residents. Depending which farm the work is to occur on, departure and arrival times vary. It can be as early as 6 a.m. to depart and as late as 8 p.m. to arrive leaving the property essentially vacant for much of the day.

II. PROPOSED ORDINANCE

Attachment C is an Ordinance of the DeSoto County Board of County Commissioners granting to Grand Hacienda, LLC an amendment to the DeSoto County Comprehensive Plan Future Land Use Element Map Series Number 3 (LS 2018-04), the Interim 2040 Future Land Use Map (FLUM) by changing from Public Land and Institutional (PLI) to Urban Center Mixed Use (UCM) the designation of 6.44± acres of land generally located at 2961 NW CO RD 661, more particularly described in Exhibit 1; incorporating the whereas clauses and staff report; and providing for an effective date.

The Owner also has provided a number of letters and petitions in support of the FLUM amendment (See Attachment D).

III. DATA & ANALYSIS

Section 163.3177(1)(f), Florida Statutes, provides that all mandatory and optional elements of a comprehensive plan and plan amendments are to be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of LDR amendment adoption.

- A. **Comprehensive Plan consistency.** Future Land Use Map amendments must be consistent with the Comprehensive Plan. Applicable Comprehensive Plan provisions are identified and assessed below:

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)
Urban Central Mixed Use	Residential – Up to 5 du/acre Non-residential – Up to 0.6 FAR	8 du/acre maximum 2.0 FAR maximum
Commercial	Non-residential- Up to 0.25	0.35 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.	

Consistency analysis: The Urban Center Mixed Use (UCM) designation allows up to five dwelling units per acre and up to a 60 percent floor area ratio for non-residential uses. If the density bonus provisions are applied, then up to 8 dwelling units per acre or a 200 percent floor area ratio is allowed. In contrast, the Public Lands and Institutions (PLI) designation does not impose any similar restrictions on residential density and non-residential intensity.

The premises include, among other uses, an existing large building with dormitories that were being used to house and maintain inmates. The FLUM amendment would allow those dormitories and other facilities to be repurposed for farmworker housing.

Farmworker housing can be classified as either a residential use or a non-residential use depending upon the type of structure being used. For example, a residential single-family dwelling on a single-family lot being repurposed for farmworker housing would be determined to be a single-family unit and the Comprehensive Plan density requirements would apply. In contrast, if there are multiple buildings on the premises with one or more dormitories, then the dormitories would be considered a non-residential use. These premises include multiple buildings with a dormitory that could accommodate 160 or more farmworkers. Based on a size of 6.44± acres and a 60 percent floor area ratio, the maximum floor area of the multiple buildings cannot exceed 166,486 square feet. The DeSoto County Property Appraiser shows the actual square feet of the combined buildings is less than 30,000 square feet (See Attachment E). Based on the above, the proposed application is **consistent** with this Policy.

FLUE Objective 1.10: Public Lands and Institutions (PLI) Category Defined.

The Public Lands and Institutions land use category includes only those lands that are legally owned or leased long-term (20 years+) by a local, state, federal, public utility or special government and used specifically to serve the public in some capacity. This category is designated solely to show the location and variety of such governmental uses and to depict a more accurate picture of residential density within the FLUM. These are generally long-term uses that will be utilized publicly for over 50 years.

Consistency analysis: The Interim 2040 FLUM shows the 10-acre tract is located within the Public Lands and Institutions (PLI) category or designation (See Attachment F). Recently, 6.44± acres of the 10.0-acre site was sold to Grand Hacienda, LLC, a private organization. The proposed FLUM amendment would change the property designation to Urban Center (UCM), and more particularly, the Arcadia Urban Center expansion area. This land use designation allows multiple uses by non-governmental organizations. Based on the above, it can be concluded the application is **consistent** with FLUE Objective 1.10.

FLUE Policy 1.10.1: Public Lands and Institutions Category Location. The following criteria shall be used for assigning new areas for the Public Lands and Institutions (PLI) land use category on the Future Land Use Map:

- (1) Land already legally owned or controlled by a governmental entity and used in the service of the public.
- (2) When privately owned lands are permanently deeded, purchased, or leased long-term (20+years) for governmental use purposes, the County shall amend the Future Land Use Plan Map at the next available plan amendment cycle to change the land use to the Public Lands and Institutions Land Use designation. Additional land will be designated as PLI as new facilities are built over time such as schools, utility plants, active parks.

Consistency analysis: The proposed FLUM is to UCM and not to PLI. Therefore, this policy is **inapplicable**.

FLUE Policy 1.10.2: Public Lands and Institutions Category Uses. This land use category includes those lands which contain State, Federal and City, County, School, and other quasi-governmental owned facilities that are publicly owned or controlled but are not Preservation. They may contain:

- (1) Governmental offices;
- (2) Public Works Facilities. Maintenance Departments;
- (3) Active and Passive parks;
- (4) Caretaker Residence;
- (5) Utility plants and facilities, excluding electrical generating plants;
- (6) Schools;
- (7) Correctional facilities, Civil Commitment Center;
- (8) Stormwater detention/retention Facilities and Water Reservoirs; and
- (9) Similar public service facilities.

Consistency analysis: The proposed use of the property will not be for State, Federal and City, County, School, and other quasi-governmental owned facilities that are publicly owned or controlled but for a private use. The proposed FLUM amendment to UCM would bring the proposed use into **consistency** with FLUE Policy 1.10.2.

FLUE Policy 1.10.3: Density/Intensity/Open Space design. All development within the Public Lands and Institution Land Use category is required to cluster development and provide 25 percent open space on-site. Intensity of non-residential development shall be limited to FAR of 1.0.

Consistency analysis: This Policy is **inapplicable** because the proposed FLUM amendment is to the UCM designation.

FLUE Objective 1.9: Urban Center Land Use Category Defined. The Urban Center category promotes multiple types of land uses in a pattern of transitioning intensities around historic commerce centers and for future mixed-use Communities.

MEASUREABLE TARGET: *Measurements analogous to those described for Objective 1.8 with the exception of residential density considerations in mixed use.*

Consistency analysis: The Interim 2040 FLUM shows the property abuts land designated UCM and Rural/Agriculture. Any FLUM amendment on this property must be to one of these two designations; otherwise, it will give the appearance of granting the owner a special privilege. The owner has chosen the UCM designation because the property fronts on a major collector roadway, the change is a natural extension of the Arcadia expansion area, and the designation could allow on-site commercial and other uses to serve the proposed farmworkers population and other populations in the vicinity. Based on the above, it may be concluded that the application is **consistent** with the Objective.

Policy 1.9.1: *Urban Center Land Use Category Location.* The following criteria shall be used for assigning new areas for the Urban Center Land Use Category.

- (1) The Urban Center land use category is expected to capture the most intensive uses and shall therefore be served by high-capacity transportation systems.
- (2) The character of the Urban Center land use category is a mixture of non-residential uses providing retail and service support to the community as a whole, interspersed with higher intensity residential uses to create a vibrant and diverse urban atmosphere.
- (3) Because this category is served by high-capacity transportation systems, development in this category can support a substantial regional commercial center, forming the basis of a “Town Center” type of community.
- (4) The intensive Urban Center areas shall be located where infrastructure includes central water and sewer systems, stormwater management systems, and major paved public streets or highways.
- (5) Expansion of the Urban Center area shall only be adjacent to other Urban Center categories, unless justification for relocation of Urban Center uses or an entire new Urban Center, at an appropriate scale to serve the surrounding area, can be demonstrated with a market study.

- (6) Direct access to collector or arterial roads shall be required for high-density residential development (5-8 dwelling units per acre), unless located within a mixed-use planned unit development.

Consistency analysis: The property undergoing the FLUM amendment from PLI to UCM has direct access onto CR 661, which is functionally classified as a major collector roadway. Collector roadways serve a critical role in the roadway network by gathering traffic from local roads and funneling them to the arterial network. In the rural environment, collector roadways generally serve primarily intra-county travel (rather than statewide) and constitute those routes on which (independent of traffic volume) predominant travel distances are shorter than on arterial roadways. The Interim 2040 FLUM shows that the property is adjacent to the Arcadia UCM Arcadia expansion area. Further, City of Arcadia potable water and sanitary sewer infrastructure currently services the property. Based on the above, it may be concluded the application is **consistent** with this Policy.

FLUE Policy 1.9.2: *Urban Center Land Use Category Uses.* Multiple types of land uses, such as commercial, office, institutional, multi-family, duplexes, attached single family, and single-family, in a pattern of transitioning intensities around historic commerce centers and within other existing or proposed activity nodes. Light Industrial uses, such as enclosed manufacturing and warehousing, office and other workforce uses, will also be allowed in this category when they can be of a large enough size and scope to be properly buffered and designed to minimize impacts and maximize compatibility.

Consistency analysis: The proposed FLUM amend to UCM would allow the existing institutional use to be transitioned into a workforce use, and more specifically, farmworker housing. Based on the above, it may be concluded the application is **consistent** with this Policy.

FLUE Policy 1.9.3: A mixture of uses shall be provided within the Urban Center Mixed Use category. The mix shall be regulated by each Special Community as depicted in Maps I-5 and I-6 that include the Urban Center Mixed Use future land use designation as follows:

Arcadia Urban Expansion Area:

General Use	Density/ Intensity	Minimum	Maximum
Non-Residential Uses	0.6 FAR	30%	50%
Residential Uses	8 du/ac	20%	50%
Light Industrial	0.6 FAR	0%	20%

New Community 1 & New Community 2

General Use	Density/ Intensity	Minimum	Maximum
Non-Residential Uses (General)	0.6 FAR		
1-Regional Scale Commercial Centers/Village Center (Limit 1 Regional Scale Center per New Community)		250,000 gross leasable sq. ft.	750,000 gross leasable sq. ft.
Community Scale Commercial Centers (Limit 1-Community Scale Center per Village)			250,000 gross leasable sq. ft.
Neighborhood Scale Commercial Centers (Limit 2-Neighborhood Scale Centers per Village)			20,000 gross leasable sq. ft.
Residential Uses Each Village (minimum size for each Village)	8 du/ac	3,000 dwelling units	5,000 dwelling units

Specific standards and principles to guide the development and mix of uses within each of these New Communities are provided in Goal 4, Future Land Use Element.

Consistency analysis: The proposed FLUM amendment would expand the size of the Arcadia Urban expansion area. As noted elsewhere, the premises do not exceed the 0.6 floor area ratio allowed by this Policy or FLUE Policy 1.1.2. Based on the above, it may be concluded the application is **consistent** with this Policy.

FLUE Policy 1.9.4: All development within the Urban Center Mixed Use category shall connect to existing centralized public water and wastewater facilities.

Consistency analysis: The premises are already connected to centralized public water and wastewater facilities. Thus, the application is **consistent** with this Policy.

FLUE Policy 1.9.5: Heavy Industrial zoning and uses, such as concrete plants, distribution centers and equipment storage shall be prohibited from this land use.

Consistency analysis: A heavy industrial use is not proposed. Therefore, the application is **consistent** with this Policy.

FLUE Policy 1.9.6: Establishment of new Urban Center Mixed Use areas shall only be in areas capable connecting to existing DeSoto County or city of Arcadia public utilities.

Consistency analysis: The proposed FLUM amendment is for property that does not create a new UCM but expands an existing UCM designation. In addition, the property is already serviced by City of Arcadia public utilities. Based on the above, the application is **consistent** with this Policy.

FLUE Policy 1.9.7: Projects shall submit a binding site plan or preliminary plat (PUD) for approval in conjunction with a request for light industrial zoning.

Consistency analysis: A proposed rezoning to Industrial Light district is not needed to allow the proposed use to operate. Thus, this Policy is **inapplicable**.

Policy 1.9.8: The Urban Center designation west of the Peace River shall be limited to a total of 600 dwelling units within the designated boundary.

Consistency analysis: The land use associated with the proposed FLUM amendment is for a nonresidential use. Thus, this Policy is **inapplicable**.

Based on the totality of the circumstances, it is concluded the proposed FLUM amendment application from PLI to UCM is **consistent** with the Comprehensive Plan.

B. **Consistency with Section 163.3177(6)(a)8, Florida Statutes.** This Section provides that Future Land Use Map (FLUM) amendments shall be based upon an analysis of three factors. The three factors and consistency of the proposed FLUM amendment with each of the three factors are addressed below.

1. *An analysis of the availability of facilities and services.* FLUE Policy 1.22.5 establishes level of service standards (LOSS) for the following public facilities: potable water, sanitary sewer, solid waste, roadways, and recreation and open space.

a. **Potable water.** FLUE Policy 1.22.5(3)(b) provides potable water supplies shall be consistent with the projected demand. Failure to provide sufficient supply for projected needs will result in denial of concurrency. For level of service analysis purposes, the potable water LOSS is 102 gallons per person per day.

The application notes the City of Arcadia and not DeSoto County is currently providing potable water service to the property. Consequently, it is concluded this policy is **inapplicable**.

b. **Sanitary sewer.** FLUE Policy 1.22.5(3)(b) provides sanitary sewer supply shall be consistent with the projected demand. Failure to provide sufficient supply for projected needs will result in denial of concurrency. For level of service analysis purposes, the sanitary sewer LOSS is 80 gallons per capita per day.

The application notes the City of Arcadia and not DeSoto County is currently providing sanitary sewer service to the property. Thus, it is concluded this policy is **inapplicable**.

- c. **Solid waste. FLUE Policy 1.22.5(2)(b)** also provides that for solid waste, failure to provide sufficient supply for projected needs will result in the denial of concurrency. An Engineering Division analysis found that through 2017, about 88.2 percent of the design capacity for Landfill Zone 4 has been filled. For level of service analysis purposes, the solid waste LOSS is 2.75 pounds per capita per day or 1,003.75 pounds per capita per year.

The supplemental application letters states the prison had about 100 permanent inmates and 30 staff, which is equivalent to 130,487 pounds per year. The proposed farmworker housing provides for two permanent residents and 159 temporary residents. This is equivalent to 123,010 pounds per year, which is a net reduction in solid waste generation. Based on the above, it is concluded the proposed FLUM amendment application will not adversely affect the adopted solid waste level of service standard.

- d. **Transportation. Transportation Element (TE) Policy 1.1.1** on *Service Standards* provides “The County establishes the following peak hour /peak directional level of service standards for collector, arterial, local, and limited access facilities in the County.

ROADWAY TYPE	STATE ROAD URBANIZED AREA	STATE ROAD OUTSIDE URBANIZED AREA	COUNTY ROAD
Limited Access Facilities	D	C	D
Controlled Access Highway	D	C	D

ROADWAY TYPE	STATE ROAD URBANIZED AREA	STATE ROAD OUTSIDE URBANIZED AREA	COUNTY ROAD
Other Multi-lane Roads	D	C	D
Two-lane Roads	D	C	D

The property fronts the west side of County Road 661, a two-lane undivided roadway functionally classified as a major collector roadway, and is located about one-half mile north of State Road 70, a two lane undivided roadway functionally classified as a major arterial roadway. The Florida Department of Transportation maintains traffic data on state roads and some county roads and the existing, and projected short-term and long-term traffic volumes are displayed in the table below.

Road	From	To	Volumes			Capacity
			2016	2022	2040	
SR 70	CR 661A	SR 72	7,600	8,500	11,200	16,400
CR 661	SR 70	Brownville	1,250	N/A	N/A	16,400

The table shows that daily traffic volumes would not exceed the LOS “C” through the long-term (2040) planning horizon. Although the LOS is based on peak hour and not daily traffic, the peak hour can be estimated using a standard conversion factor.

The supplemental information letter states that for traffic generation purposes, a dormitory is not similar to an apartment building (See Attachment B). Instead, a better comparison is to a congregate care facility where residents live with limited or no assistance with daily living activities and, therefore, there is less need for support staff. The application notes that support staff is limited to two persons. Additionally, at congregate care facilities, little independent traffic is generated by the residents; this is similar to the planned

farmworker housing that is anticipated to have few, if any, personal vehicles.

The previous use ty was a prison with three shifts and approximately 100 prisoners. The Trip Generation Report, 8th Edition, lists both congregate care facilities and prisons. The prison data doesn't list daily trips, just "Peak PM Trips," "PM in," and "PM out." The numbers for a prison with 100 beds is 23, 6, and 17 trips, respectively. The farmworker housing complex is expected to have 161 beds; a congregate care facility with 161 beds is calculated to have 27 "Peak PM Trips," 15 "PM in," and 12 "PM out."

The letter concludes the difference in the previous use versus the proposed use is de minimus. The prison was operated under three shifts. The inmates didn't come and go, but there was likely other minimal traffic during the day. On the weekends inmates could have visitors so weekend traffic increased. The proposed use would generate traffic as the farmworkers go to and return from work, but this should not be more than the traffic created from the three shifts at the prison because employer provided high occupancy vehicles are to be used. During the day the only traffic that is expected is the single couple that will. Further, the prison provided for year-round traffic while the proposed farmworker housing is not.

Based on the above, it may be concluded that the application is **consistent** with this policy.

- e. **Recreation.** FLUE Policy 1.22.5(2)(b) provides that for recreation and open space, failure to provide sufficient supply for projected needs will result in the denial of concurrency. Recreation and Open Space Element Policy 1.1.1 provides the recommended planning level of service (LOS) standard for parks shall be twenty (20) acres of parkland per 1,000

residents or 0.02-acres per resident. This standard includes both passive and active County parks and recreational facilities, and includes Regional, Community, Neighborhood, and Mini-parks.

DeSoto County has a population of approximately 35,000 persons, which based on the adopted LOSS requires a minimum of 700 acres of parkland. DeSoto County has 405 acres of parklands and the RV Griffin Reserve at 8910 Kings Highway offers an additional 6,000 acres, which indicates the County has a large surplus of recreation and open space. Based on an increase of 61 residents and the adopted LOSS, the proposed FLUM would generate the demand for 1.22-acres of recreation and open space. As a result, it may be concluded the application is **consistent** with this policy.

2. *An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.*
 - a. **Character of the undeveloped land.** The General Location Map shows the character of the property can be described as being substantially developed (See Attachment A). Notwithstanding the above, the property has vacant land which could allow the expansion or addition of a dormitory or other building. Thus, the character of the land makes the site suitable for additional development
 - b. **Soils.** The Soils Condition Map shows the property consists of four different soil units, the most significant for expansion purposes being the Immokalee fine sand (See Attachment G). The Soil Survey for DeSoto County, Florida classifies Immokalee fine sand as being deep, nearly level, and poorly drained. The soil is poorly suited to urban development. Drainage is needed to overcome wetness and fill material is needed for most urban uses. Notwithstanding, the Soils Condition Map shows

substantial on-site development has already occurred on this soil.

- c. **Topography.** The site elevations range from 30 to 40 feet (See Attachment H). The 30 foot elevation is found along the northeast property line, with the 35 feet elevation generally within the east-half of the site and the 40 foot elevation along the west-half of the site. The mild change in elevation makes the site suitable for additional development.
 - d. **Natural resources.** Since the property is substantial developed and has been in use since the early 1960s, DeSoto County does not require a natural resources assessment to be provided. The lack of natural resources makes the site suitable for additional development.
 - e. **Historic resources.** Since the property is substantial developed and has been in use since the early 1960s, DeSoto County does not require a historic resources assessment to be provided. The lack of historic resources makes the site suitable for additional development.
3. *An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.*

Of the 10-acres presently designated PLI, 6.44± acres is now in private ownership and the PLI provision prohibits the use of those 6.44± acres for private use. The proposed FLUM amendment is for 6.44± acres and, therefore, represents the minimum amount of land need to achieve the goal.

Based on the above, it is concluded that proposed amendment is **in conformance** with Section 163.3177(6)(a)8., Florida Statutes, because data and analysis was provided to support each of the specified criteria.

C. **Conformance to Section 163.3177(6)(a)9.a, Florida Statutes.** This section provides the future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl. It requires two different types of analysis: primary indicators and urban form factors.

1. The 13 primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. An analysis of whether the proposed FLUM amendment discourages the proliferation of sprawl is addressed below.

a. *Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.* The property subject to this FLUM amendment has a size of 6.44± acres and, therefore, the size is not substantial. Further, the site already is developed and cannot be repurposed to a private use without a FLUM amendment. Moreover, based on the proposed occupancy, it may be argued it is not a low-intensity development. Based on the above, the proposed amendment **discourages the proliferation of urban sprawl** because it does not designate for development substantial areas of the jurisdiction to develop as low-intensity development or uses.

b. *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.* The property subject to the proposed FLUM property is a small 6.44+ acre site that is already developed and the amendment is needed in order to allow the property to be reused and repurposed for private use. The property abuts and is not located a substantial distance from an area designated for high density/intensity mixed uses. Based on the above, it is concluded the proposed FLUM amendment **discourages the**

proliferation of urban sprawl because it does not allow urban development to occur in rural areas.

- c. *Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.* The amendment does not promote development in radial, strip, isolated, or ribbon patterns as the property is substantially developed, and because the property is bounded to the south and west by property already designated UCM. Based on the above, it is concluded the proposed amendment **discourages the proliferation of urban sprawl** because it does not promote radial, strip, isolated, or ribbon patterns.

- d. *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 property undergoing the FLUM amendment is already developed and the amendment will allow the existing buildings to be repurposed for private use. As such, the FLUM amendment will not have any negative impacts on the conservation of natural resources. Based on the above, it is concluded the proposed amendment **discourages urban the proliferation of sprawl** because it protects and conserves any existing natural resources.

- e. *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.*

The property undergoing the FLUM amendment is already developed and the amendment will allow the existing buildings to be repurposed for private use. As such, the FLUM

amendment will not have any negative impacts on the protection of adjacent agricultural areas and activities. Based on the above, it is concluded the proposed amendment **discourages the proliferation of urban sprawl** because the repurposing of the property has no negative impacts on the adequate protection of adjacent agricultural areas and activities.

- f. *Fails to maximize use of existing public facilities and services.* The property subject to the FLUM amendment will maximize existing public facilities and services through the repurposing of the existing buildings and the continued use of existing public facilities and services. Thus, it is concluded the proposed amendment **discourages the proliferation of urban sprawl** because existing facilities will continue to be used.

- g. *Fails to maximize use of future public facilities and services.* The property subject to the FLUM amendment will maximize future public facilities and services through the repurposing of the existing buildings and the continued use of existing public facilities and services. Based on the above, it is concluded the proposed amendment **discourages the proliferation of urban sprawl** because it maximizes the use of future public facilities and services.

- h. *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.* The proposed FLUM amendment would allow the repurposing of an abandoned prison and would address the need for additional farmworker housing. As such, it does not generate a disproportionate increase for roads, potable water, sanitary sewer, law enforcement, education, health care, fire and emergency

response, and general government. Based on the above, it is concluded the proposed amendment **discourages the proliferation of urban sprawl** because the repurposing does not create a land use pattern that disproportionate increases time, money, and energy.

- i. *Fails to provide a clear separation between rural and urban uses.* The property subject to the proposed FLUM amendment abuts property designated UCM, thereby establishing a clear separation between rural and urban uses. Thus, it is concluded the proposed amendment **discourages the proliferation of urban sprawl** because it maintains a clear separation between rural and urban uses.
- j. *Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.* The property subject to the proposed FLUM amendment redevelops government-owned property into privately-owned property and addresses the need for farmworker housing. Thus, it is concluded the proposed amendment **discourages the proliferation of urban sprawl** because it redevelops an existing, vacant, and previously state-owned property.
- k. *Fails to encourage a functional mix of uses.* The property subject to the proposed FLUM amendment has the opportunity to encourage a functional mix of uses. The existing dormitory is being renovated and the property has sufficient vacant acreage to add uses to serve the farmworkers, such as a convenience store, a laundromat, a pool hall, and a public assembly use, such as a place of worship. Thus, it is concluded the proposed amendment **discourages the proliferation of urban sprawl** because the amendment could encourage a functional mix of uses.
- l. *Results in poor accessibility among linked or related land uses.* The property subject to the proposed FLUM amendment has

direct accessibility to NW CR 661, a two-lane undivided major collector roadway. Further, it would expand a FLUM designation that encourages mixed uses. Thus, it is concluded the proposed amendment **discourages the proliferation of urban sprawl** because the UCM designation is intended to encourage related land uses.

- m. *Results in the loss of significant amounts of functional open space.* The property subject to the proposed FLUM amendment would not result in the loss of any amounts of functional open space. As noted earlier, the amendment allows the repurposing of a former prison to farmworker housing. Thus, it is concluded the proposed amendment **discourages the proliferation of urban sprawl** because the amendment does not result in the loss of functional open space.

In summation, based upon the findings above, it can be concluded the amendment application is **consistent** with Section 163.3177(6)(a)9.a, Florida Statutes, because all the indicators support the conclusion the amendment discourages the proliferation of urban sprawl.

2. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following eight (8) factors.
 - a. *Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.* The property subject to the proposed FLUM amendment creates economic growth through the provision of farmworker housing and directs such economic growth to an area that abuts land designated UCM. Thus, the proposed amendment **discourages the proliferation**

of urban sprawl it directs economic growth to an urban center mixed use designation.

- b. *Promotes the efficient and cost-effective provision or extension of public infrastructure and services.* The property subject to the proposed FLUM amendment promotes the efficient and cost effective provision of public facilities and services because it will reuse those existing public infrastructure and services. Thus, the proposed amendment **discourages the proliferation of urban sprawl** because it promotes the efficient, cost-effective provision of existing public infrastructure and services.

- c. *Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.* The property subject to the FLUM amendment is intended to provide for farmworker housing. Although pedestrian, bicycles, and public transportation is not available, the proposed FLUM amendment would allow a range of land uses that eventually could make feasible the provision of a multimodal transportation system. Based on the above, the proposed amendment **discourages the proliferation of urban sprawl** because it allows for the promotion of the above-described development pattern.

- d. *Promotes conservation of water and energy.* The property subject to the proposed FLUM amendment has buildings developed in the early 1960s and that is constructed with antiquated plumbing and electric fixtures. The proposed renovations will allow the use of water conservation friendly plumbing and energy efficient fixtures. Thus, the proposed amendment **discourages the proliferation of urban sprawl** because it promotes the conservation of water and energy.

- e. *Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.* The property subject to the proposed FLUM amendment is developed land and its repurposing will allow the continued preservation of agricultural areas and activities. Based on the above, the proposed amendment **discourages the proliferation of urban sprawl** because it preserves agricultural areas and activities.

- f. *Preserves open space and natural lands and provides for public open space and recreation needs.* The property subject to the proposed FLUM amendment repurposes existing, obsolete and abandoned buildings and repurposes them for farmworker housing. Because the property is being reused, open space does not need to be developed to serve farmworker housing purposes. Based on the above, the proposed amendment **discourages the proliferation of urban sprawl** because preserves open space and natural lands.

- g. *Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.* The property subject to the proposed FLUM amendment will provide for farmworker housing needed to serve DeSoto County's significant agricultural economy. Consequently, the proposed amendment **discourages the proliferation of urban sprawl** because it provides housing to serve the nonresidential (i.e., agricultural) needs of the area.

- h. *Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.* The property subject to the proposed FLUM amendment provides an innovative reuse for an abandoned prison through its

conversion to farmworker housing. Consequently, the proposed amendment **discourages the proliferation of urban sprawl** because it provides for the innovative reuse of property.

Based on the totality of the circumstances, staff concludes the application is **consistent** with Section 163.3177(6)(a)9.b, Florida Statutes because it is in conformance with the eight (8) factors.

- D. Public notice.** Section 163.3184(11)(b), Florida Statutes, establishes the public hearing requirements for local Comprehensive Plan amendments. It provides the local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment. The first public hearing is held at the transmittal stage. The public hearing must be held on a weekday at least 7 days after the day that the first advertisement is published pursuant to the requirements of chapter 125 or chapter 166. The second public hearing must be held at the adoption stage. That hearing must be held on a weekday at least 5 days after the day that the second advertisement is published pursuant to the requirements of chapter 125 or chapter 166.

DeSoto County does not have any written policies or administrative rules governing site-specific FLUM amendments and public notice has been limited to advertising the amendment in a newspaper of general circulation in DeSoto County at least 10 days prior to each public hearing and the posting of a sign on the property. The Applicant has provided evidence that the property was posted at least 10 days before the Planning Commission public hearing (See Attachment I).

On or before September 21st, 2018, the Development Director caused written notice of the hearings to be mailed to all property owners and such notice is on file with the Division and incorporated herein by reference.

IV. ATTACHMENTS

- Attachment A: General Location Map
- Attachment B: Phelps Dunbar Supplemental Letter
- Attachment C: Proposed Ordinance
- Attachment D: Support Letters and Petitions
- Attachment E: DeSoto County Property Appraiser Property Record
- Attachment F: Interim 2040 Future Land Use Map, Excerpt
- Attachment G: Department of Health Quota Report showing FLUM designations of farmworker housing
- Attachment H: Soils Condition Map, Excerpt
- Attachment I: Topographic Map, Excerpt
- Attachment J: Photograph of Public Notice Sign posted on property for first public hearings
- Attachment K: Applicant's Presentation Materials delivered at the October 2nd, 2018 Planning Commission public hearing
- Attachment L: Review entity responses
- Attachment M: Photograph of Public Notice Sign posted on property for second public hearings

V. FINDINGS AND CONCLUSIONS

Based upon the information contained in this Development Review Report, the following findings of fact and conclusions of law are offered:

1. This is a proposed Ordinance amending the Comprehensive Plan's Interim 2040 Future Land Use Map by changing from Public Lands and Institutional (PLI) to Urban Center Mixed (UCM) the designation of 6.44± acres of land located at 2961 NW County Road 661.
2. The Development Director has reviewed the FLUM amendment application for consistency with the 2040 DeSoto County Comprehensive Plan's goals, objectives and policies and concludes the application is consistent with said Comprehensive Plan.
3. The Development Director has reviewed the FLUM amendment application for conformance with the three requirements in Section 163.3177(6)(a)8, Florida Statutes, and concludes the application is in conformance with those requirements.
4. The Development Director has reviewed the FLUM application for consistency with the 13 indicators identified in Section 163.3177(6)(a)9.a, Florida Statutes, and concludes that the application discourages the proliferation of urban sprawl and is in conformance with said Section 163.3177(6)(a)9.a, Florida Statutes.
5. The Development Director has reviewed the FLUM application for consistency with the eight (8) factors identified in Section 163.3177(6)(a)9.b, Florida Statutes, and concludes the application is in conformance with said Section 163.3177(6)(a)9.b, Florida Statutes.
6. The due public notice requirements have been satisfied.

VI. ALTERNATIVE ACTIONS

The Planning Commission/LPA has one of the following alternative actions at its disposal:

- A. Enter into the record the Development Department Report and all other substantial competent evidence presented at the hearing and forward the record to the Board of County Commissioners with a recommendation that the proposed Ordinance be adopted.
- B. Enter into the record the Development Department Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support the Planning Commission's recommendation, and forward the record to the Board of County Commissioners with the recommendation that the proposed Ordinance not be adopted.
- C. Enter into the record the Development Department Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support any necessary conditions, and forward the record to the Board of County Commissioners with the recommendation that the proposed Ordinance be adopted with conditions.
- D. Enter into the record the Development Department Report and all other substantial competent evidence presented at the hearing, identify any additional data and analysis needed to support the proposed Ordinance, and forward the record to the Board of County Commissioners with the recommendation that the proposed Ordinance be tabled for up to six months in order to allow staff time to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VII. RECOMMENDED ACTION

- A. Development Department recommendation. The Development Director recommends the Planning Commission enter into the record this Development Department Report and all other substantial competent evidence presented at the hearing and to forward the record to the Board of County Commissioners with a recommendation that the proposed Ordinance be approved on first reading.
- B. Planning Commission recommendation. At the October 2nd, 2018 Planning Commission public hearing, Planning Technician Kathy Heitman read the title of the ordinance into the record and made a Power Point presentation summarizing the information contained in the Development Review Report. She highlighted the fact that the Public Lands and Institutional (PLI) Future Land Use Map (FLUM) designation limits development and uses to publicly-owned facilities and that since the former prison has been purchased by a private entity for reuse as farmworker housing, a FLUM amendment is necessary. Planning Technician Heitman stated that Development Director Earl R. Hahn recommended the Planning Commission to submit the record, any attachments and substantial competent evidence to the Board of County Commissioners with a recommendation approving the first reading of this Ordinance. After concluding her presentation, Planning Technician Heitman inquired whether the Planning Commission had any questions on the application.

Commissioner Masters inquired whether this privately operated business will need further review by the Planning Commission. Mrs. Heitman stated that the Planning Commission most likely would not have any further interaction with this development business but that the Board and staff could be involved if there were any changes to site conditions. There being no further inquiries of Planning Technician Heitman, Vice-Chairperson Hudson inquired whether the Applicant would like to make a presentation.

County Attorney Conn interjected that due to the number of persons who have appeared at this public hearing in support of the application, whether the Applicant and any opponents would stipulate to allowing those persons in support of the application to raise their hands instead of speaking during the public comments portion of the agenda. If there was any opposition,

those persons would be allowed to speak; however, if there were a large number of opponents, they would follow the same procedure as supporters by raising hands. The general consensus among the attendees was to stipulate to that procedural recommendation.

Attorney Elise Batsel of Phelps Dunbar, 100 S. Ashley Dr., Suite 2000, Tampa, Florida, spoke on behalf of The Grand Hacienda, LLC and she distributed a packet of materials for review and inclusion into the public records (See Attachment K). Attorney Batsel stated she was accompanied by Liz Torres, applicant and Owner of the Grand Hacienda, LLC and Attorney Kevin Reali also of Phelps Dunbar. Attorney Batsel stated that since the 1960's the property was used for Public Institutional purposes by the Florida Department Corrections. Usually the State will modify the FLUM prior to selling the property but in this particular instance that didn't happen. The property is zoned A-5 district, which allows for residential uses and farmworker housing has been allowed within this zoning district but the PLI FLUM designation presently prohibits this use. This application would change the FLUM designation from PLI to Urban Center Mixed (UCM) to allow a H-2A facility with 161 beds. Attorney Batsel presented a PowerPoint Presentation with embedded video in support of the application, which included a Zoning and Land Use Report prepared by Allen Murphy, AICP, with more than 40 years of planning experience, concluding the application is consistent and compatible with the Future Land Use Element (FLUE) and FLUM. She stated that Liz Torres has made substantial renovations on the building, including a fire alarm system, showers, kitchen renovations, security system, washers, etc. After concluding her presentation, Attorney Batsel respectfully requested that the Planning Commission recommend approval of the FLUM amendment application and she offered to entertain any questions the Planning Commission may have.

Vice Chairperson Hudson inquired whether the application is supported by the Department of Health. Ms. Batsel replied affirmatively, noting the Department of Health has to approve all proposed renovations. Vice Chairperson Hudson also asked if there was any funding involvement with the United State Department of Agriculture (USDA) or Florida Housing

Finance Corporation. Ms. Batsel state no, it was all supported by private funding.

Vice Chairperson Larry Hudson asked if non-US citizens will be occupying the facility. Ms. Batsel stated the facility will be occupied by non-citizens through the H-2A Program. Vice Chairperson Hudson inquired whether the workers will receive a salary or wage, whether the facility will be their domicile, and what will the cost of living versus the net income residents will earn. Ms. Torres stated the H-2A Program is a very complex program and the growers petition for the workers legally. From the time the worker(s) leave their home country, the growers have to pay all expenses which include housing, meals, transportation and wages.

Vice Chairperson Hudson asked how much was coming out of their wages to pay for the domicile. Mrs. Torres stated the growers pay her directly for housing and directly pay the workers their wages. Vice Chairperson Hudson asked about upkeep. Mrs. Torres stated she will have staff on hand for housekeeping.

Commissioner Masters wanted clarification on how many children would be on premises. She wanted assurances residents have safe and adequate living conditions to be successful in DeSoto County. Mrs. Torres stated there will be no children or woman living at the facility at this time. It will be a male only facility at this point.

Commissioner Provau asked if the workers are not paying the rent, then who will pay the rent. Mrs. Torres stated the growers pay all the expenses. There being no further Planning Commission inquiries of the Applicants, Vice-Chairperson Hudson opened the floor to the public.

Mr. George Lempenau, Peace River Campground, 2998 NW Hwy 70, Arcadia, Florida, spoke in favor of the application. Mr. Lempenau stated he and his son own the Campground across the street and had placed a bid with the State to purchase this property. He stated that he met the new owners and was pleasantly surprise at what they were doing. Mr. Lempenau stated he believes this is a proper reuse of the property. He

feels after everything is said and done, this project will be a benefit to the County.

Mr. William Jerry Carter of 3012 NW CR 661, Arcadia, Florida spoke in opposition to the application. Mr. Carter stated his property is directly across the street from this facility. Mr. Carter stated that tonight's issue is not about improvements and he expressed concern that renovations began before FLUM amendment approval. He stated the permits should not have been issued until the FLUM amendment process was concluded. Mr. Carter also was concerned about noise, loud music, and facility maintenance.

Ms. Sue Parker of 3378 NW Second Bunker Ave, Arcadia, Florida expressed neither support nor opposition to the application. Mrs. Parker responded to the video by inquiring how many acres are dedicated to tomato farming in DeSoto County. She also expressed concern that the facility could operate as a "bedroom community" by providing housing for workers who are employed to work outside DeSoto County. She believed this situation creates interesting implications for DeSoto County in the future.

Javier Torres, address unknown, spoke in favor of the application. Mr. Torres stated they also rented a facility in Pinecone and never had problems there. He asked Marty Richardson of 138 Lang Dr., Wauchula, Florida to speak.

Mr. Richardson stated in lived at the Pinecone facility as the Maintenance Tech and there was never a problem at the facility with noise or loud music. Mr. Torres stated she is negotiating with Mr. Richardson so that he could serve as the Maintenance Worker at this facility.

Ms. Fabiola Rodriguez of 337 Bay Vista Ave, Osprey, Florida spoke in support of the application. Ms. Rodriguez pointed to the room filled with red-shirted supporters and argued the need for the FLUM amendment.

Steve (last name of no auditable) of Wauchula, Florida spoke in favor of the application. Steve stated that they are having a hard time finding

Americans who wanted to work on farms. The farmworker housing facility would allow immigrants a safe place to temporarily live while they harvested seasonal crops.

Mr. William Jerry Carter requested and was granted an opportunity to rebut, since he believed he was being targeted. Mr. Carter stated he is a Veteran, former farmer, Law Enforcement Officer (Game Warden), and has worked in citrus. His complaint is that the County is showing favoritism to this applicant by issuing permits before the FLUM amendment is approved.

Vice Chairperson Hudson reminded everyone that the purpose of the hearing is to address the FLUM amendment. He noted that the Applicant is here to correct a mistake created by the State of Florida by failing to change the FLUM designation of the property before putting it out to bid.

County Attorney Conn stated that this is not about the people. It is about a land use decision and a Comprehensive Plan FLUM amendment. He asked the hearing participants to refrain from making comments about the people involved. This Board is considering as part of the process whether or not to approve the FLUM amendment.

Commission Provau stated there are a lot of hoops yet to jump through before this FLUM amendment is finalized. County Attorney Conn stated Mrs. Heitman referenced a first reading. There will be three (3) public hearings on the Comprehensive Plan FLUM amendment and this is the first hearing. After the Planning Commission recommendation, the Board of County Commissioners will hold a duly noticed public hearing and consider the ordinance on first reading. If the Board on first reading approves the Ordinance, the agenda package will be distributed to various state, regional, and local agencies for review. Upon receipt of those agencies comments, a second duly noticed Planning Commission public hearing will be held as well as the second or final Board duly noticed public hearing. If any additional approvals are needed, such as a Development Plan approval, those approvals may require additional public hearings.

Robert Miller of 385 Macedonia, Punta Gorda, Florida spoke in favor of the application. Mr. Miller stated he is the owner of Boyette-Miller Construction and a past president of the Charlotte-DeSoto Builders Association. He explained the zoning district allows this land use. He noted the purpose of this hearing is to address the FLUM amendment.

Attorney Kevin Reali of Phelps Dunbar, 100 S. Ashley Dr., Suite 2000, Tampa, Florida spoke in favor of the application and was offering a rebuttal. He argued the property has the correct zoning district but not the correct FLUM designation. He noted that if DeSoto County did not have a PLI designation, the property would have been designated UMC or Rural/Agriculture, both of which allow the proposed land use. Attorney Reali suggested this FLUM amendment could be likened to a scrivener's error because it corrects an omission that should have been addressed by the state.

Mr. Kenny Mappes of 9305 SW Lipe Road, Arcadia, Florida spoke in support of the application. Mr. Mappes asked Mrs. Heitman if the State of Florida paid real property taxes on this property and Mrs. Heitman replied no. He asked whether the current property owner would be required to pay real property taxes and Mrs. Heitman replied yes. Mr. Mappes also asked if the State use of the property required public services, such as Fire Rescue and law enforcement, and Mrs. Heitman replied affirmatively. Mr. Mappes concluded by saying he hopes this application will be recommended for approval. There being no further public comments, Vice-Chairperson Hudson closed the public hearing and requested the Planning Commission to commence their deliberations.

Commission Kirkpatrick stated she lives in the vicinity of the property and sees the property improving each day. She noted that DeSoto County is an agricultural community and it takes laborers to harvest the fruits and produce.

Commission Masters stated she is concerned that the State of Florida is not following the process that DeSoto County has in place and has sold property that was designated PLI on the FLUM without following the proper

process. She also expressed concern about the State sale of property with no guaranty that the land can be used. Ms. Masters expressed support for the FLUM amendment but was concerned about the ongoing maintenance of the property.

Commission Provau stated he has had some experience with low rent housing and some people are living in deplorable and unhealthy situations. He stated we are an agricultural community and we need the workers. He feels it would be appropriate to recommend approval of this FLUM amendment.

Vice Chairperson Hudson state he is the agriculture representative on the Planning and Zoning Commission. This is the only process available to correct the State's bid processing omission. Further, he explained the Planning Commission is an advisory body and does not make the final determination on FLUM amendment applications. That responsibility lies with the Board of County Commissioners.

Vice-Chairman Hudson moved to enter into the record the Development Department Report and all other substantial competent evidence provided at the hearing and to forward the record to the Board of County Commissions with a recommendation that the proposed ordinance be approved on the first reading. Motion was seconded by Commissioner Kirkpatrick, and the motion was approved unanimously.

- C. County Commission action. Ms. Kathy Heitman presented on first reading a request to approve an Ordinance amending the Interim 2040 Future Land Use Map by changing from Public Land and Institutional (PLI) to Urban Center Mixed Use (UCM) the designation of 6.44+ acres of land generally located at 2961 NW Co. Rd. 661. Ms. Heitman stated PLI land use was only for state institutions or public properties. UCM would promote residential, commercial, commercial office and recreational land uses. Ms. Heitman stated the Development Director felt the applicant's request was consistent with Florida Statues.

Ms. Elise Batsel, attorney who represented Liz Torres and The Grand Hacienda, LLC stated the State of Florida should have modified the land use designation, but the property had only been zoned correctly after the State sold the old prison. The proposed use would be H2A Farm Workers Housing occupying 161 beds at the location. Further discussion ensued regarding renovations.

The following public members spoke in opposition of the request:

- Genie Martin;
- Mac Martin;
- Wally Martin;
- Sue Parker; and
- Becky Bragg.

The following public members spoke in favor of the request:

- George Lempeanu;
- Mario Lopez;
- Kenny Mappes;
- Marty Richardson; and
- Robert Miller.

The applicant, Ms. Liz Torres explained to the Board each step she took in purchasing the property.

Mr. Conn stated zoning was not an issue for the property because the surrounding properties were also agriculturally zoned.

A motion was made by Commissioner Langford to approve the first reading of the Ordinance as presented, which motion was seconded by Commissioner Mansfield, and which carried 4-1, with Commissioner Schaefer dissenting.

- D. Agency comments. Responses were received from the Florida Department of Economic Opportunity, the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, and the

Florida Department of Transportation. None of the agencies offered any comments on the Interim 2040 FLUM amendment (See Attachment L).

- E. Revised staff comments. The Development Director recommends the Planning Commission enter into the record this Revised Development Department Report and all other substantial competent evidence presented at the hearing and to forward the record to the Board of County Commissioners with a recommendation that the proposed Ordinance be adopted. In addition, evidence has been provided that notice of the second public hearings was posted on the property (See Attachment M).
- F. Revised Planning Commission recommendation. Scheduled for the February 5th, 2019 Planning Commission hearing.
- G. Final Board action. Scheduled for the February 26th, 2019 public hearing.