



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

September 28, 2010

The Honorable David Knowles
Mayor, City of Leesburg
501 West Meadow Street
Leesburg, Florida 34749

Dear Mayor Knowles:

The Department of Community Affairs has completed its review of the proposed Comprehensive Plan Amendment for the City of Leesburg (DCA Number 10-1), which was received on July 30, 2010. The Department has reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code and Chapter 163, Part II, Florida Statutes. Based on Chapter 163, Florida Statutes, we have prepared the attached report, which outlines our findings regarding the amendment. It is particularly important that the City address the objection set forth in our review report so that the issue can be successfully resolved prior to adoption. The Department's concerns address the maintenance of adopted level of service standards for transportation, water, water supplies, and sanitary sewer facilities. Copies of the proposed amendment have been distributed to appropriate state, regional and local agencies for their review, and their comments are enclosed.

For your assistance, we have attached procedures for final adoption and transmittal of the comprehensive plan amendment. If you have any questions, please call Julie Evans, Senior Planner, at (850) 922-1816.

Sincerely,

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/je

Enclosures: Objections, Recommendations and Comments Report and Review Agency
Comments

cc: Mr. Bill Wiley, AICP, Director, Department of Community Development
Mr. Phil Laurien, Executive Director, East Central Florida Regional Planning Council

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♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
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DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR
CITY OF LEESBURG AMENDMENT 10-1

September 28, 2010
Division of Community Planning
Office of Comprehensive Planning

This report is prepared pursuant to Rule 9J-11.010,
F.A.C.

NOTICE OF REVISIONS TO PROCESSING PROCEDURES

Effective Date of Revisions to Rule 9J-11 Florida Administrative Code

The Department has revised the procedures for submitting comprehensive plan amendments. These new procedures became effective May 12, 2010.

Reason for Revisions

The revisions implement statutory changes to Chapter 163, Part II, Florida Statutes, related to allowable exemptions from the twice per calendar year limitations and prohibitions that may affect adoption of comprehensive plan amendments. In addition, changes were made to clarify plan amendment submittal requirements based on the Department's recent experience.

Highlight of Revisions

The revised procedures relate to the submittal of proposed and adopted comprehensive plan amendments, including small scale amendments, and a revised RPM-BSP-EXEMPT REVIEW Form used when submitting exempt and small scale amendments. The major revisions to Rule 9J-11, include 1) the deletion of the requirements to submit replacement pages and a revised table of contents to the comprehensive plan; 2) an update to the allowable exemptions to the twice per calendar year limitation; 3) an update to the statutory prohibitions that may affect adoption of comprehensive plan amendments; 4) clarification on the submittal of the de minimis impact report associated with the capital improvement annual update amendment; 5) a requirement that all future land use map amendments be submitted in color format; and 6) the revised RPM-BSP-EXEMPT REVIEW Form to address affordable housing and Areas of Critical State Concern.

Effect of Revisions

The revisions improve the overall comprehensive plan amendment process by helping local governments prepare and submit complete plan amendment packages. The rule provides the local government with a complete list of statutory exemptions and a complete list of possible prohibitions to the amendment process. In addition, the revised rule clarifies submittal requirements and this increases the likelihood that a submittal package will be initially determined complete.

Location of Revisions

The revisions are located on the Division of Community Planning's website to assist local governments with the submittal of their comprehensive plan amendment packages and may be viewed at "**Submitting Comprehensive Plan Amendments and Developments of Regional Impact**" <http://www.dca.state.fl.us/fdcp/dcp/Procedures/index.cfm> .

Additional Information

Ray Eubanks, Plan Processing Administrator

(850) 922-1767

ray.eubanks@dca.state.fl.us

TRANSMITTAL PROCEDURES

The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code.

Within ten working days of the date of adoption, the City must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Mr. Phil Laurien, Executive Director of the East Central Florida Regional Planning Council.

Please be advised that the Florida legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan amendment (a sample Information Sheet is attached for your use).

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
CITY OF LEESBURG
PROPOSED COMPREHENSIVE PLAN AMENDMENT 10-1**

I. CONSISTENCY WITH CHAPTER 163, Florida Statutes (F.S.) AND RULE 9J-5, Florida Administrative Code (F.A.C.)

1. Objection: Impacts to Transportation, Potable Water, Water Supply and Sanitary Sewer Facilities. The data and analysis submitted with the proposed Hawthorne amendment included a proposed site-specific policy, Future Land Use Policy 1.6.12, which designates 19.5 acres of the site as Conservation, and limits development onsite to 240,330 square feet of commercial development and 159,990 square feet of residential assisted facilities. However, Future Land Use Policy 1.6.12 is not included or referenced in the proposed adoption ordinance. Without this policy limiting development on the Hawthorne property, the proposed Hawthorne amendment would create a net increase of approximately

- 58,975 daily trips and 6,058 PM peak hour trips on the roadway system;
- 350,000 gallons per day in demand for potable water and water supplies, and
- 350,000 gallons per day in demand for central sewer facilities.

The proposed amendment does not demonstrate that the level of service standard for transportation, potable water, water supplies, and sanitary sewer facilities will be achieved and maintained to support the proposed Hawthorne amendment. The proposed amendment does not include any data and analysis demonstrating the long term and short term impacts from the amendment. The data and analysis does not assess the public facilities and services needed to meet the demands of the amendment within these timeframes in order to be consistent with the comprehensive plan. If necessary, the amendment does not include any amendments to the Capital Improvements Element (CIE) to address the needed facilities, either in the short term or long term.

[Section 163.3177(2), (3)(a), (6)(a), (c), (d), (j), (8) and (10), F.S.; Rule 9J-5.005(3) and (5), Rule 9J-5.006(2), (3)(b)1 and (3)(c)3, Rule 9J-5.011(2)(b)1, 2 and 3, (2)(c)1 and 2; Rule 9J-5.013(1)(c), Rule 9J-5.015(3)(b)2, Rule 9J-5.016 (4), Rule 9J-5.019(2), (3), (4)(a) and (b)2, and (5), F.A.C.]

Recommendation. Include or reference proposed Future Land Use Policy 1.6.12, the site-specific policy limiting development on the Hawthorne property, in the adoption ordinance and adopt the policy as part of the Future Land Use Element. If the City chooses not to include the site specific policy, then it must demonstrate that transportation, potable water, water supplies, and sanitary sewer facilities will be available in the short and long term, at adopted LOS standards, to support the proposed Hawthorne amendment, as follows:

A. Include a traffic study addressing the Hawthorne amendment to evaluate the 5-year and long-term impacts of the FLUM amendment under the maximum development scenario. Ensure that any projects needed in the five-year planning period are added to the financially feasible five-year schedule of capital improvements. Include data and analysis demonstrating that the improvement related to this amendment in the CIE will achieve and maintain the LOS for the

roadways around the amendment and that funding for the improvements is available in a financially feasible manner. The five-year schedule must include privately funded projects that are necessary to meet the adopted LOS and must be coordinated with the Long Range Transportation Plan. Any long-term improvements needed by the land use change must be added to the Future Transportation Map and added to the CIE.

B. Include an analysis of the Hawthorne amendment to evaluate the 5-year and long-term impacts of the FLUM amendment, under the maximum development scenario, to potable water facilities, water supplies, and sanitary sewer facilities. Ensure that any projects needed in the five-year planning period are added to the financially feasible five-year schedule of capital improvements. Include data and analysis demonstrating that the improvement related to this amendment in the CIE will achieve and maintain the potable water and sanitary sewer LOS, and that funding for the improvements is available in a financially feasible manner. Any long-term improvements needed by the land use change must be added to the CIE.

2. Comment. The Lafayette Square, Musso-Spence, Woodrell, and Hawthorne parcels appear to have at least moderate archaeological site probability. The most effective way to guarantee that such sites are not damaged is for the City to sponsor or require historic resource surveys so that it can ensure its archaeological resources and historic structures fifty years of age or older will be considered when substantive changes in land use are proposed. State records indicate that the Pear Park tract has been previously subjected to a cultural resource assessment. It is the City's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The proposed plan amendment is not consistent with the following goals and policies of Chapter 187, F.S., the State Comprehensive Plan.

(7) Water Resources (a) Goal and (b) Policies 5, 10 and 13. These citations refer to Objection 1.

(15) Land Use (a) Goal and (b) Policies 1, 5 and 6. These citations refer to Objection 1.

(17) Public Facilities (a) Goal and (b) Policies 4 and 7. These citations refer to Objection 1

(19) Transportation (a) Goal and (b) Policy 3. This citation refers to Objection 1

(25) Plan Implementation (a) Goal and (b) Policy 7. This citation refers to Objection 1

Recommendation: By addressing the concerns noted in Section I above, these inconsistencies with Chapter 187, Florida Statutes, can be addressed.