



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

MEMORANDUM

TO: Jim Quinn, DEP
Susan Harp, DOS
Susan Sadighi, FDOT 5
Phil Laurien, East Central Florida RPC
Jeff Cole, St Johns River WMD

Date: June 29, 2007

**Subject: Proposed Comprehensive Plan Amendment Review Objections,
Recommendations and Comments Reports**

Enclosed are the Departments Objection, Recommendations and Comments Reports on the proposed amendments to the comprehensive plan(s) from the following local government(s):

Palm Bay 07-1

These reports are provided for your information and agency files. Following the adoption of the amendments by the local governments and subsequent compliance review to be conducted by this agency, we will forward copies of the Notices of Intent published by each local government plan.

If you have any questions, please contact Mr. Ray Eubanks at Suncom 278-4925 or (850) 488-4925.

RE/lp

Enclosure

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>



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June 29, 2007

The Honorable John J. Mazziotti
Mayor, City of Palm Bay
5240 Babcock Street NE, Suite 201
Palm Bay, Florida 32905

Dear Mayor Mazziotti:

The Department has completed its review of the proposed Comprehensive Plan Amendment for the City of Palm Bay (DCA 07-1), which was received on May 1, 2007. Based on Chapter 163, Florida Statutes, we have prepared the attached report that outlines our findings concerning the amendment. It is particularly important that the City address the objections set forth in our review so that the identified issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the City should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The City's proposed Plan Amendment 07-1 consists of nineteen amendments to the City's Future Land Use Map and two text amendments to the Future Land Use Element. The proposed Future Land Use Map amendments will significantly increase residential density by approximately 40,075 dwelling units and seven of the nineteen amendments will (CP-14, CP-25-06, CP-26-06, CP-27-06, CP-31-06, CP-34-06, and CP-35-06) significantly increase non-residential development by 21,568,737 square feet of Commercial and 684,764 square feet of Recreation/Open Space within the City of Palm Bay. The first of the two text amendments creates a new "Mixed Use" land use category and is proposed for six of the FLUM amendments (CP-25-06, CP-26-06, CP-27-06, CP-31-06, CP-34-06, and CP-35-06). The Mixed Use category allows any combination of land uses; but requires a policy amendment to define the allowed mix of uses and densities and intensities. The second text amendment proposes a new goal with associated objectives and policies to promote the coordination of land uses surrounding the Patrick Air Force Base military facilities so that land use changes do not adversely impact the military facilities.

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Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2756 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

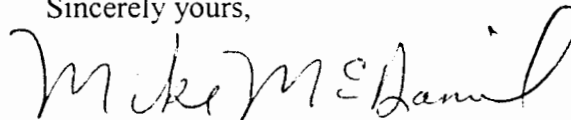
The Honorable John J. Mazziotti
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Staff identifies potential objections to some or all of the FLUM amendments based on the lack of appropriate data and analyses regarding the discouragement of urban sprawl and the lack of a needs analysis, lack of demonstrated compatibility, environmental suitability, transportation planning, and public facilities (potable water, sanitary sewer, and drainage). Staff also identifies a potential objection to the Mixed Use land use and FLUM amendments CP-25-06, CP-26-06, CP-27-06, CP-31-06, CP-34-06, and CP-35-06 due to a lack of density/intensity standards for each allowed land use in the new land use category and a lack of percentage distribution among the mix of uses. Staff further identifies a potential objection to the text amendment to promote the coordination of land uses with military facilities regarding lack of data and analysis to identify the compatibility issues and criteria to address those issues.

I believe the concerns outlined in our report can be resolved. We are available to work with your staff to develop an approach to assist the City in responding to our report and developing an acceptable solution.

As we may be of assistance as the City formulates its response to our review, please call James Stansbury, Regional Planning Administrator, or Valerie M. James, Planner IV, at (850) 487-4545.

Sincerely yours,



Mike McDaniel
Chief of Comprehensive Planning

MM vmj

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: David E. Watkins, AICP, Growth Management Director, City of Palm Bay
Paul Laurien, AICP, Executive Director, East Central Florida Regional
Planning Council

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR
THE CITY OF PALM BAY
AMENDMENT 07-1

June 29, 2007
Division of Community Planning
Office of Comprehensive Planning

This report is prepared pursuant to Rule 9J-11.010

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the City of Palm Bay's 07-1 proposed amendment to their comprehensive plan pursuant to s. 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments which follow the objections and recommendations section are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

TRANSMITTAL PROCEDURES

Upon receipt of this report, the City has 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. 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 Phil Laurien, AICP, Executive Director of the East Central Florida Regional Planning Council.

Please be advised that Section 163.3184(8)(c), Florida Statutes, requires 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 law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event no names, addresses are provided, please provide this information as well.** For efficiency, we encourage that the information sheet be provided in electronic format.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR
CITY OF PALM BAY
AMENDMENT 07-1**

I. CONSISTENCY WITH CHAPTER 163, PART II, F.S., AND RULE 9J-5, F.A.C.

The City's proposed Amendment 07-1 consists of nineteen amendments to the Future Land Use Map (FLUM) and two text amendments to the Future Land Use Element. The Department raises the following objections and comments to proposed Amendment 07-1:

A. TEXT AMENDMENTS:

1. Lack of Density/Intensity Standards: Six of the proposed FLUM amendments (CP-25-06, CP-26-06, CP-27-06, CP-31-06, CP-34-06, and CP-35-06) are accompanied by a new Mixed Use land use category. This new land use category allows any combination of land uses; but requires a policy amendment to define the allowed mix of uses and densities and intensities. However the proposed new land use category does not provide meaningful and predictable standards for the use and development of land. Rule 9J-5.006(4)(c), F.A.C. requires that mixed use land use categories include the types of land uses allowed, the percentage distribution among the mix of uses, or other objective measurement, and the density and intensity of each use.

The proposed amendments are not consistent with the following requirements. Rules 9J-5.005(5); 9J-5.006(3)(c)7; Rule 9J-5.006(4)(c), F.A.C., Sections 163.3177(6)(a), F.S.; and Chapter 187, Goal (25)7.

Recommendation: Revise the proposed Mixed Use land use category to include meaningful and predictable standards by including the types of land uses allowed, the percentage distribution among the mix of uses, or other objective measurement, and the density and intensity of each use

2. Military Base Installation: This objection applies to Text amendment CP-37-2006 regarding coordination with Military Installation Compatibility. The amendment proposes to adopt a new goal and associated objectives and policies to address compatibility criteria required by Section 163.3177(6)(a). This section of the law addresses the compatibility criteria as follows: 1) the future land use plan shall be based upon the compatibility of uses on lands adjacent to or closely proximate to military installations; and 2) the future land use plan element shall include criteria to be used to achieve the compatibility of adjacent or closely proximate lands with military installations.

The proposed goal and associated objectives and policies do address the coordination of land uses in and surrounding the Malabar Annex, as required by Section 163.3175, F.S., however, there is no proposed policy language that includes standards and criteria needed to demonstrate compatibility of uses on lands adjacent to or closely proximate to military installation as required by Section 163.3177(6)(a), F.S.

In addition, the City has not provided data and analysis that identifies what the military installation “issues” are associated with the Malabar Annex. Therefore, it is not possible to determine the appropriate compatibility criteria that should be included in the comprehensive plan.

The proposed amendment is not consistent with the following requirements: Rules 9J-5.005(2); 9J-5.006(3)(c); 9J-5.015(3)(b)2., F.A.C., Sections 163.3175; 163.3177(6)(a), and 163.3177(8), F.S.; and Chapter 187, Goal (25)7.

Recommendation: The Department recommends that the City provide data and analysis that would include a description of the impacts experienced or likely to be experienced by the City from any activities undertaken by the Malabar Annex. The supporting data and analysis should describe the mission of the installation, since the City must make land use decisions that are compatible with the mission. Without a description of the mission, the City is without a basis for determining compatibility. In addition, the supporting data and analysis should identify the impacts that land uses in the City have or are likely to have on the operations of the installation. The analysis should identify the geographic area in which these impacts are likely to occur. Once the relevant issues and geographic area of concern have been identified, the supporting data and analysis should describe how these impacts can be mitigated such that land use activities within the City are compatible with the mission of the installation. The supporting data and analysis should identify any existing development that is incompatible with the mission and whether vacant land is zoned or has Future Land Use Map designations that might create future incompatibilities. If instances of such incompatibilities are identified, mitigation measures should be incorporated into the plan amendment.

Furthermore, include implementing policies which specify that guidelines and standards the City will use to achieve compatibility between development land uses and the Malabar Annex.

B. FLUM AMENDMENTS:

3. **Coastal High Hazard Area:** This objection applies to FLUM amendment CP-25-06. The proposed land use designation would increase residential development by 26 dwelling units. The proposed amendment site is located within the Coastal High Hazard Area/Category 1 Evacuation Zone, as defined by Rule 9J-5.003(17), Florida Administrative Code (F.A.C.), and Section 163.3178(2)(h), Florida Statutes (F.S.), and, therefore, the proposed amendment is inconsistent with statutory requirements to direct population concentrations away from the Coastal High Hazard Area and to maintain or reduce hurricane evacuation clearance times. In addition, the proposed amendment is internally inconsistent with Objective CZM-1.6 and Policy CZM-1.6C of the City’s Comprehensive Plan Coastal Management Element. The objective indicates, in part, that public expenditures for infrastructure are limited in high hazard or storm surge areas of the Coastal Zone, when such areas are determined. The policy indicates, in part, that the City shall not permit habitable structures within any high hazard zone.

The proposed Plan is not consistent with the following requirements: Rule 9J-5.005(5), 9J-5.006(4)(b)6; 9J-5.012(3)(b)6. and 7., F.A.C.; Sections 163.3177(2); 163.3177(6)(a); 163.3178(2)(d), 2(h), and 9. F.S.; and Chapter 187, Goals (8)3; (6)23., F.S.

Recommendation: Do not adopt the amendment as proposed. As indicated previously, meaningful and predictable standards for the uses allowed within the Mixed Use future land use category are required. Also, demonstrate that the amendment is in compliance with Section 163.3178(9), F.S. Specifically, limit the density of the site to the currently approved density.

4. Compatibility with Adjacent Land Uses: This objection applies to FLUM amendments CP-1-06, CP-15-06, CP-25-06, CP-26-06, CP-28-06, CP-31-06, CP-32-06, CP-33-06, CP-34-06, CP-35-06, and CP-36-06. The proposed amendments are on and adjacent to environmentally sensitive areas and have the potential to significantly increase residential and non-residential development on the subject parcels and have not demonstrated compatibility with these resources.

The proposed land use designations for amendments (CP-15-06, CP-31-06, CP-32-06, CP-33-06, CP-34-06, and CP-36-06) are not consistent with the requirements of Rule 9J-5.013(2)(b) and (c) because the introduction of these urban densities and intensities of development threaten wildlife and wildlife habitat. The subject parcels associated with FLUM amendments CP-33-06, CP-34-06, and CP-36-06 are located in an environmentally sensitive wildlife corridor and provide an important link between two conservation areas (St. Sebastian River Preserve State Park to the north and lands managed by Brevard County's Environmentally Endangered Lands Program to the south). Linkages are important to support critical wildlife habitat. These conservation areas have been acquired and are under the preservation and resource management of the State. Increased development of the amendment sites may interfere with management strategies of the conservation areas as well as result in habitat loss and fragmentation for several species. Any development adjacent to these areas would require substantial changes to approved management plans (including the use of prescribed burn) and would likely result in a reduced ability to manage these areas. The proposed FLUM amendments CP-15-06 and CP-32-06 each contain a bald eagle's nest. There is also a caracara identified on site amendment CP-32-06. These two FLUM amendments including FLUM amendment CP-31-06 are adjacent to each other; and therefore, would result in cumulative impacts on endangered species. Conservation Element Policy CON-1.5L states that the City shall comply with any county, state and federal regulations pertaining to protected species. The amendments have not demonstrated internal consistency with this policy.

The proposed land use designations for FLUM amendments CP-1-06, CP-15-06, CP-25-06, CP-26-06, CP-28-06, CP-31-06, CP-32-06, and CP-35-06 are not compatible with the surrounding environmentally sensitive lands as called for by Rule 9J-5.006(3)(c)2, F.A.C. The parcels associated with FLUM amendments CP-1-06, CP-25-06, CP-26-06, and CP-28-06 are located on either the west or the east of U.S.1 (Dixie Highway), west of the Indian River Lagoon and are also within a 100-year riverine floodplain area. Based on the maximum development potential, these FLUM amendments would generate additional stormwater runoff into the Indian River Lagoon. Conservation Element Policy CON-1.2N requires coordination with the Florida Department of Transportation to control runoff from U.S.1 that is causing erosion on the Indian

River Bluff. Conservation Policy CON-1.2K requires the City to explore all reasonable means of increasing stormwater storage capacity within the City to reduce untreated discharge into the Indian River. The amendments have not demonstrated internal consistency with these policies.

The proposed site associated with FLUM amendments CP-15-06, CP-31-06, and CP-32-06 provide an important linkage between the St. Sebastian Preserve State Park and to the west the Three Forks Conservation Area. The proposed parcel associated with FLUM amendment CP-35-06 is currently used as a borrow pit and mining operation; however, according to the East Central Florida Regional Planning Council, this site could augment the needed connection between the St. Sebastian Preserve State Park to the north and lands managed by Brevard County's Environmentally Endangered Lands Program to the south. Conservation Element Policy CON-1.5P states that the City will cooperate with adjacent local governments, i.e. Brevard County to conserve appropriately use, and protect environmentally sensitive areas that are located in more than one jurisdiction. The amendments have not demonstrated internal consistency with this policy.

The proposed FLUM amendments CP-1-06, CP-15-06, CP-25-06, CP-26-06, CP-28-06, CP-31-06, CP-32-06, CP-33-06, CP-34-06, CP-35-06, and CP-36-06 did not address potential impacts to the environmentally sensitive areas adjacent to the noted FLUM amendments and did not demonstrate how the existing policies in the comprehensive plan will prevent impacts to those sensitive areas.

The proposed amendments are not consistent with the following requirements: Rules 9J-5.005(2 and 5); 9J-5.006(1), (2), (3)(b)3., & (3)(c)2; 9J-5.013(2)(b) and (c) and (3)(a) and (b); Sections 163.3161(3); 163.3177(6)(a), F.S.; and Chapter 187, Goal (15)6., F.S.

Recommendation: Do not adopt the proposed Amendments. As indicated previously, meaningful and predictable standards for the uses allowed within the Mixed Use future land use category are required. Also, revise the FLUM amendments to reduce densities and intensities and to limit the types of uses allowed consistent with the environmentally sensitive nature of the surrounding areas consistent with the City's comprehensive plan. Support the compatibility of the reduced land uses with data and analysis.

5. Suitability of Land: This objection applies to FLUM amendments CP-3-06, CP-15-06, CP-29-06, CP-31-06, CP-32-06, CP-33-06, CP-34-06, CP-35-06, and CP-36-06. The proposed amendments are unsuitable for the environmentally sensitive resources on the subject sites. There appear to be wetlands located on amendment sites CP-15-06, CP-29-06, CP-31-06, and CP-32-06 and wetlands adjacent to these amendment sites. In addition, these sites (CP-15-06, CP-29-06, CP-31-06, and CP-32-06) are located within the 100-year flood plain area. Due to the significant amount of proposed development, impacts could include alteration of the existing surface water hydrology and natural drainage patterns as a result of the increased impervious surface development affecting the hydrology of the existing wetlands.

The proposed FLUM amendments CP-15-06, CP-31-06, CP-32-06, CP-33-06, CP-34-06, CP-35-06, and CP-36-06 have been identified as part of the Brevard Coastal Scrub Ecosystem Florida Forever Project, and as such are considered essential by the program for the "...preservation of

scrub, mesic and scrubby flatwoods, floodplain marsh and marsh lake along the Atlantic Coastal Ridge and St. John's River marshes. In addition, FLUM amendments CP-31-06, CP-33-06, CP-34-06, and CP-36-06 were identified by the Florida Fish and Wildlife Commission as a Biodiversity Hotspot with five or more species present, including Snail Kite (CP-31-06), and Red-Cockaded (CP-34-06). According to Brevard County, the habitat on amendment site CP-3-06 may be suitable for Red-Cockaded Woodpecker, there is a bald eagle's nest and caracara identified on amendment site CP-32-06, and also a bald eagle's nest identified on amendment site CP-15-06.

Conservation Element Policy CON1.12C controls development in the 100-year flood plain. Encroachment by new construction, including infill, within any designated floodway; 1.8D directs land uses which are incompatible with the protection of wetlands and wetland functions away from such wetland areas; 1.5E states that the City shall base its priorities for preserving and protecting endangered lands on the lists of rare endangered ecosystems as described in the Regional Plan; 1.5N protects endangered and threatened species by the use of conservation easements, and transfer of development rights; and 1.7C protects endangered, threatened or rare wildlife by the use of conservation easements, and transfer of development rights. However, the data and analysis submitted with the proposed FLUM amendments (CP-3-06, CP-15-06, CP-29-06, CP-31-06, CP-32-06, CP-33-06, CP-34-06, CP-35-06, and CP-36-06) did not address potential impacts to the noted resources and how the existing policies in the comprehensive plan will prevent impacts to those resources from such intensity and density not previously anticipated.

Furthermore, the majority of the City lies within a region characterized by the Florida Aquifer Vulnerability Assessment (FAVA) as either "vulnerable" or "more vulnerable" as an indicator of the likelihood of contamination to the Surficial or the Floridian Aquifers resulting from surface activities. The FAVA is a statewide screening tool that identifies areas of relative aquifer vulnerability by examining several characteristics of an area, including soil permeability, topography, closed topographic depressions (indicators of karst features), water-table elevation, and extent of aquifer confining unit. The FAVA measures indicate that groundwater quality in this region is sensitive to pollution from land use activities. Due to the fact that the City has not provided sufficient data and analysis that assures that central wastewater treatment capacities exist to serve the subject parcels, potential still remains to serve the parcels with on-site septic wastewater treatment. The City's Future Land Use Element (FLUE) Policy FLU-1.4B states that, "City funds shall not be utilized to expand public facilities and services for future growth outside of the established Growth Management Area". In addition, Infrastructure Policy INF-1.4 states that, "funding priority shall be given to new sanitary sewer facilities located within the adopted Growth Management Area or in existing service areas." Based on the supporting maps of each site location, several of the noted amendments (CP-3-06, CP-15-06, CP-31-06, CP-32-06, CP-33-06, CP-34-06, CP-35-06, and CP-36-06) are outside the City's Growth Management Area. Given the environmental nature of the site, the potential use of septic tanks could negatively impact the Floridian Aquifer System and the Surficial System as well as water sheds and area water bodies.

The proposed amendments are not consistent with the following requirements: Rules 9J-5.005(2 and 5); 9J-5.006(1), (2)(b)1., (2)(e)(g), (3)(b)1., & 3; 9J-5.011(2)(b)4., 5., and 2(c)4.; 9J-

5.012(3)(b)1, and 4; 9J-5.012(3)(c)15; 9J-5.013(2)(b)3., 4., (2)(c) and (3), F.A.C.; Sections 163.3177(2); 163.3177(6)(a), and (d); 163.3178(2), (2)(b), (2)(c), and (2)(j), F.S.; and Chapter 187, Goals (7)2., 7., 9., 10., and 12.; (9)2., 3., 6., and 7.; (15)3., and 6.; (21)3.; and (25)7.

Recommendation: Do not adopt the proposed Amendments. As indicated previously, meaningful and predictable standards for the uses allowed within the Mixed Use future land use category are required. Also, revise the FLUM amendments to reduce densities and intensities and to limit the types of uses allowed consistent with the environmentally sensitive nature of the land consistent with the City's comprehensive plan. Support the reduced density and intensity with data and analysis demonstrating the suitability of the site for those uses.

6. Public Facility Analysis: This objection applies to all of the proposed FLUM Amendments. The proposed FLUM amendments are not supported by a public facility (potable water, sanitary sewer, drainage, and solid waste) analysis for the five year planning timeframe addressing the following: (1) the combined amount of public facilities demand generated by the maximum development potential allowed by the FLUM amendments; (2) the available and planned uncommitted capacity of public facilities that would serve the amendment sites; (3) the impact of the demand for public facilities on the projected operating level of service and impact on available and planned uncommitted capacity of the facilities; (4) the need for public facilities improvements (scope, timing and cost of improvements) or other planning alternatives to maintain the adopted level of service standards for the facilities; and (5) coordination of any needed facility improvements or other planning alternatives with the Infrastructure and Capital Improvements Elements, including implementation through the Five-Year Schedule of Capital Improvements. Thus, the amendments have not been demonstrated to be consistent with the following provisions of the City's Comprehensive Plan: Future Land Use Element Objective FLU-2.2. Policy FLU-2.2A; Infrastructure Element Objectives INF-1.3 and INF-4.2, Policies INF-1.2A and INF-1.4.A; and Capital Improvements Element Objective CIE-1.5, Policy CIE-1.5.A.

The proposed amendments are not consistent with the following requirements: Rules 9J-5.005(2 and 5); 9J-5.006(3)(b)1; 9J-5.006(3)(c)3; 9J-5.006(4); 9J-5.011(1)(a through f); 9J-5.011(2)(a); 9J-5.011(2)(b)2; 9J-5.011(2)(c)1 and 2; 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(3)(b)1, 3, and 5; 9J-5.016(3)(c)1.d, 1.e, 1.f, and 1.g; 9J-5.016(4)(a); 9J-5.015(3)(b)1 and 2; 9J-5.015(3)(c)1 and 11, F.A.C.; Sections 163.3177(2, 3, and 8); 163.3177(6)(a and c); and 163.3177(6)(h)1 and 2, F.S.; and Chapter 187, Goals (7)10., (15)3., and 6.; (21)3.; and (25)7.

Recommendation: As indicated previously, meaningful and predictable standards for the uses allowed within the Mixed Use future land use category are required. Also, include the required data and analysis necessary to support the FLUM amendments and demonstrate coordination of land use with the planning and provision of public facilities and coordination with the Capital Improvements Element and demonstrate consistency with the Comprehensive Plan goals, objectives and policies. The analysis should be based on the maximum cumulative development potential allowed by the proposed future land use designations. Revise the amendment as necessary to be consistent with and supported by the data and analysis.

7. Potable Water Supply Sources: This objection applies to all of the FLUM amendments. The data and analysis does not address the availability and adequacy of water at the sources to meet the cumulative demand of these amendments, as well, as the existing and committed demands. This information is necessary in order to be consistent with State law which requires each local government to address in their comprehensive plan the water supply sources necessary to meet and achieve the projected water use demand for the established planning period.

The proposed amendments are not consistent with the following requirements: Rules 9J-5.013(1)(c), F.A.C., Section 163.3167(13), and 163.3177(6)(a), F.S., and Chapter 187, Goals (7)1., 5., 10 and 13; (15)6.; (21)3.; and (25)7.

Recommendation: As indicated previously, meaningful and predictable standards for the uses allowed within the Mixed Use future land use category are required. Also, revise the analysis to identify the potable water source or sources that will be relied upon for these amendments and demonstrate the adequacy of water at that source to meet the projected demand. The analysis should take into consideration the existing demand, the committed demand, projected growth and the demand due to these amendments, and demonstrate that adequate water is available at the identified source or planned to be available to meet the need created by these amendments. This information is necessary in order to demonstrate consistency with the above cited provisions of the law.

8. Transportation Planning: This objection applies to FLUM Amendments CP-3-06, CP-9-06, CP-14-06, CP-15-06, CP-25-06, CP-26-06, CP-27-06, CP-29-06, CP-30-06, CP-31-06, CP-32-06, CP-33-06, CP-34-06, CP-35-06, and CP-36-06. The proposed FLUM amendments are not supported by an adequate transportation analysis (including assumptions, data sources, and description of methodologies used) for the five year and long term planning timeframes addressing the following: (1) the number of peak hour vehicle trips generated by the maximum development potential allowed by the FLUM amendments; (2) the impact of the peak hour vehicle trips (**including the combined trips of FLUM amendments impacting the same road segment**) on the projected operation level of service of the affected roadways, particularly State and County roads; (3) the need for road improvements (scope, timing and cost of improvements) or other planning alternatives to maintain the adopted level of service standards for roadways; (4) coordination of the road improvements or other planning alternatives with the Future Land Use Element, Transportation Element (including Future Transportation Map), and Capital Improvements Element, and implementation through the Five-Year Schedule of Capital Improvements; and (5) coordination of the road improvements with the plans of the Florida Department of Transportation Element and Capital Improvements Element. The amendments have not been demonstrated to be consistent with the following provisions of the City's Comprehensive Plan: Transportation Element Objective TCE-1.1, Policy TCE-1.1B; and Capital Improvements Element Objective CIE-1.5, Policy CIE-1.5A.

The proposed amendments are not consistent with the following requirements: Rules 9J-5.005(2 and 5); 9J-5.006(3)(b)1; 9J-5.006(3)(c)3; 9J-5.006(4); 9J-5.015(3)(b)1 and 2.; 9J-5.015(3)(c)1, 5, and 11; 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(3)(b)1, 3, and 5; 9J-5.016(3)(c)1.d, 1.e, 1.f, and 1.g; 9J-5.016(4)(a)1, 2 and 4; 9J-5.019(3)(f, g, h, and i); 9J-5.019(4)(b)1, 2, and 3; 9J-5.019(4)(c)1; 9J-5.019(5)(a and b) F.A.C.; Sections 163.3177(2 and

3); 163.3177(6)(a, and j); 163.3177(6)(h)1, and 2, and 163.3177(8), F.S.; and Chapter 187, Goals (19)2., and 3.; (21)3.; and (25)7.

Recommendation: As indicated previously, meaningful and predictable standards for the uses allowed within the Mixed Use future land use category are required. Also, include the required data and analysis necessary to support the FLUM amendments and demonstrate coordination of land use with the planning and provision of transportation facilities and coordination with the Capital Improvements Element. Revise the Transportation, Capital Improvements, and Future Land Use Elements, as necessary, to be consistent with and supported by the data and analysis and to achieve internal consistency with the FLUM. Include data and analysis demonstrating coordination of the amendment with the plans of the Florida Department of Transportation and applicable Metropolitan Planning Organization. Revise the amendments as necessary to be consistent with and supported by the data and analysis.

9. Urban Sprawl: This objection applies to FLUM Amendments CP-15-06, CP-31-06, CP-32-06, CP-33-06, CP-34-06, CP-35-06, and CP-36-06. The proposed FLUM amendments do not discourage urban sprawl. The proposed densities and intensities are not supported by data and analysis demonstrating the need for the additional Residential and Commercial land uses in order to accommodate the City's projected population growth within the planning timeframe of the City's Comprehensive Plan. Specifically, the proposed amendments are not supported by a land use needs analysis which includes the need for additional Residential and Commercial land uses, the estimated gross acreage needed for the Activity Center land use to accommodate the Comprehensive Plan's projected population growth within the planning timeframe of the Future Land Use Map, and a description of the methodology used. The proposed amendments are not supported by adequate data and analysis demonstrating that the amendments discourage the proliferation of urban sprawl regarding the following indicators of urban sprawl.

- Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need. [Rule 9J-5.006(5)(g)1, F.A.C.]
- Fails to maximize use of existing and future public facilities and services. [Rule 9J-5.006(5)(g)6 and 7, F.A.C.]
- Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments. [Rule 9J-5.006(5)(g)3, F.A.C.]
- 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. [Rule 9J-5.006(5)(g)8, F.A.C.]

In addition to the above indicators, the following indicators of urban sprawl are applicable to the identified amendments:

- Fails to provide a clear separation between rural and urban uses (CP-31-06 and CP-32-06). [Rule 9J-5.006(5)(g)9, F.A.C.]
- Fails to encourage an attractive and functional mix of uses (CP-31-06 and CP-32-06). [Rule 9J-5.006(5)(g)11, F.A.C.]
- Results in a loss of significant amounts of open space (CP-31-06 and CP-32-06). [Rule 9J-5.006(5)(g)13, F.A.C.]

The amendments have also not demonstrated consistency with Future Land Use Objective FLUE-1.4 and Policy FLU-1.4B, which establish a Growth Management Area to control urban sprawl, and indicate the City will not expand public facilities and services for future growth outside the Growth Management Area for 2001 to 2006:

The proposed amendments are inconsistent with the following requirements: Rules 9J-5.005(2) and (5); 9J-5.006(1)(g), (2)(c); 9J-5.006(3)(b)8, 9J-5.006(3)(c), 9J-5.006(5), 9J-5.006(5)(g)1, 3, 6, 7, 8, 9, 11, and 13; 9J-5.006(5)(h and I); 9J-5.011(2)(b)3, F.A.C.; Sections 163.3177(6)(a), 163.3177(8), and 163.3191, F.S.; and Chapter 187, Goals (15)6.; and (25)7.

Recommendation: Do not adopt the proposed amendments. As indicated previously, meaningful and predictable standards for the uses allowed within the Mixed Use future land use category are required. In addition, the City should provide a land use needs analysis demonstrating there is a need for the amount of development allowed by the proposed residential land use densities in order to accommodate the Comprehensive Plan's projected population growth within the planning timeframe of the Future Land Use Map. Include an urban sprawl analysis that considers the proposed amendments in relation to the urban sprawl criteria identified above. Revise the amendment as necessary to be consistent with and supported by the data and analysis.

Comments:

- The City needs to ensure that FLUM Amendment numbers CP-3-2006 and CP-15-2006 are properly annexed before adoption of the amendments.
- The City should coordinate with the Brevard County School Board on the potential student population and the availability of school facilities to accommodate the student population consistent with the school planning and intergovernmental coordination requirements of the Brevard County Comprehensive Plan.
- The City may want to consider at this time whether to update the CHHA area definition and policies to be consistent with Section 163.3178(2)(h), and (9), F.S.
- The proposed land use designations for FLUM amendments CP-15-06, CP-32-06, and CP-33-06 would create a Development of Regional Impact (DRI) and would, therefore, be subject to the DRI planning requirements of Chapter 380.06, F.S.

DEPARTMENT OF COMMUNITY AFFAIRS
 OFFICE OF COMPREHENSIVE PLANNING
 CORRESPONDENCE ROUTING SLIPS

ORIGINATOR: Valerie James DATE: _____

SUBJECT: City of Palm Bay 07-1 MAILOUT DATE: 6/29/07

Referral	Init.	Date	Referral	Init.	Date
Secretary			Division Director-DCP		
Chief of Staff			Chief Comp. Plan	<i>MM</i>	6/29
Legal			Regional Planning Adm.	<i>[Signature]</i>	6/28/07
Personnel			Principal Planner		
			Senior Planner		
			Planner	<i>[Signature]</i>	6/28/07

COMMENTS: ORC letter w/ objections
