

TAB 5



City of Palmetto Agenda Item

Meeting Date

11/15/10

Presenter: Thomas McCollum

Department: Public Works - Planning

Title:

On September 29, 2009, the City Commission transmitted the revised Comprehensive Plan Draft to the Department of Community Affairs (DCA) and other reviewing agencies. The purpose of the revision is to incorporate School related objectives and policies in the current document, as required by the State Legislature. On January 11, 2010, the City received comments from the DCA. City staff and the City attorney reviewed the comments and made necessary revisions to the document. The Plan is now ready for adoption. Ordinance No. 09-995 and a copy of the three sections of the current Plan to be revised are attached to this Point Paper.

Budgeted Amount: \$0.00 **Budget Page No(s):** **Available Amount:** \$0.00 **Expenditure Amount:** \$0.00

Additional Budgetary Information:

Funding Source(s): **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:**

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A

Potential Motion/Direction Requested: Staff recommends approval of this Comprehensive Plan Revision as required by the State of Florida
Motion and vote to approve the Comprehensive Plan Revision to the City of Palmetto's 2010 Comprehensive Plan.

Staff Contact: Thomas McCollum Mark Barnebey

Attachments: Ordinance No. 09-995
2010 Revised Comprehensive Plan (4 Sections)

**CITY OF PALMETTO
ORDINANCE NO. 09-995**

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 624 (THE CITY OF PALMETTO COMPREHENSIVE PLAN); ADOPTING AMENDMENTS TO THE FUTURE LAND USE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, AND CAPITAL IMPROVEMENT ELEMENT, AND ADDING A PUBLIC SCHOOL FACILITIES ELEMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and

WHEREAS, the Florida Statutes require the adoption of a Public Schools Facilities Element and school concurrency provisions for the Comprehensive Plan, and the City wishes to adopt those provisions with this ordinance; and

WHEREAS, the City’s Local Planning Agency, the Planning and Zoning Board, held public hearings on July 13, 2009 and August 10, 2009 regarding this Ordinance 09-995, which at the time included a number of EAR-based amendments to the Comprehensive Plan, as well as the amendments currently proposed, related to public schools; and

WHEREAS, on August 10, 2009, the Planning and Zoning Board recommended adoption of Ordinance 09-995; and

WHEREAS, on September 14, 2009, the City Commission held a public hearing and continued said public hearing to September 28, 2009, regarding Ordinance 09-995; and

WHEREAS, on September 28, 2009, the City Commission determined to proceed only with the amendments related to schools and educational facilities at this time, which amendments are attached hereto as Exhibit "A" and recommended transmittal to the Department of Community Affairs of Ordinance 09-995 as amended; and

WHEREAS, on January 14, 2010, the City received the Department of Community Affairs' Objections, Recommendations and Comments report regarding the proposed Comprehensive Plan amendments and has reviewed and considered the report; and

WHEREAS, on February 15, 2010, the City Commission held a public hearing to consider adoption of Ordinance 09-995.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Amendments to the Comprehensive Plan. The amendments to the Comprehensive Plan for the City of Palmetto attached hereto as Exhibit "A" are hereby adopted.

Section 2. Repeal of Ordinance. This Ordinance hereby repeals any and all provisions of ordinances in conflict herewith to the extent of such conflict.

Section 3. Severability. If any section, sub-section, paragraph, sentence, clause or phrase in this Ordinance shall be held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions hereof.

Section 4. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor, or if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes of the City Commission.

PUBLIC HEARING (TRANSMITTAL):	September 14, 2009 continued to September 28, 2009
PUBLICATION:	August 28, 2009 September 21, 2009
PUBLIC HEARING (ADOPTION):	February 15, 2010
PUBLICATION:	January 31, 2010

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this 15th day of February, 2010.

CITY OF PALMETTO, FLORIDA,
BY AND THROUGH THE CITY
COMMISSION OF THE CITY OF
PALMETTO

By: _____
SHIRLEY GROOVER BRYANT,
MAYOR

ATTEST: James R. Freeman

By: _____
City Clerk/Deputy Clerk.

Section 1. Element 12.0 Public School Facilities Element Goals, Objectives and Policies are hereby added to read in its entirety as follows:

**12.0 PUBLIC SCHOOL FACILITIES ELEMENT
GOALS, OBJECTIVES, AND POLICIES**

GOAL: THE CITY OF PALMETTO SHALL MAINTAIN COORDINATION WITH THE SCHOOL DISTRICT AND PARTICIPATING LOCAL GOVERNMENTS IN SCHOOL AND COMMUNITY PLANNING.

School Siting:

Objective 12.1: Coordinate to ensure future school sites are consistent with the Comprehensive Plan and growth and development patterns.

Policy 12.1.1: The City and the School Board shall coordinate the Comprehensive Plan and Future Land Use Map (FLUM) with the School Board's long-range facility maps to ensure consistency and compatibility with the provisions of this element.

Policy 12.1.2: The School Board and the City shall coordinate to ensure that proposed public school facility sites are consistent with the applicable land use designations of the Comprehensive Plan and appropriate Land Development regulations.

Policy 12.1.3: The School Board and the City shall coordinate to ensure that proposed public school facility sites and proposed development sites are compatible.

Policy 12.1.4: School sites shall be permissible in all future land use categories except Conservation and Heavy Industrial.

Policy 12.1.5: Proposed development adjacent to any school site shall be compatible with existing or proposed school sites.

Policy 12.1.6: The City shall provide an electronic (on CD) copy of the Comprehensive Plan to the School Board.

Objective 12.2: Encourage the siting of school facilities so they serve as community focal points and encourage the potential for collocation with other public facilities.

Policy 12.2.1: Continue to encourage the location of schools adjacent to other public facilities such as parks, libraries, and community centers and be co-located with educational facilities where adjacent land is available.

Policy 12.2.2: Assist the School Board to determine a site that can be used as a potential catalyst or leverage redevelopment efforts in the surrounding area.

Policy 12.2.3: Development proposals incorporating school facilities shall be evaluated to determine the feasibility of co-location of stormwater and other infrastructure facilities.

Policy 12.2.4: The City and School Board shall determine whether collocation of public facilities such as parks, libraries, and community centers can be achieved with existing or proposed school sites when considering the acquisition and establishment of such public facilities.

Objective 12.3: Coordinate school site selection with available, planned and needed infrastructure.

Policy 12.3.1: The School Board and the City shall review proposed school sites for available, proposed, and needed infrastructure.

Policy 12.3.2: The School Board shall evaluate and may request assistance from City to determine available infrastructure for proposed schools and school expansions.

Policy 12.3.3: Road capacity and traffic concerns shall be evaluated during the school planning, development, and permitting processes.

Policy 12.3.4: Pedestrian and bicycle plans shall be evaluated during the school planning, development, and permitting processes.

Policy 12.3.5: The School Board shall be afforded the opportunity to participate in the

review of the City's Capital Improvements Program and Element to assist in coordination of the timing of infrastructure.

Policy 12.3.6: The School Board and the City are subject to Section 1013.51, Florida Statutes, in regards to any infrastructure improvements.

Emergency Preparedness System Participation

Objective 12.4: Participation in the County Emergency Preparedness System.

Policy 12.4.1: The City shall be part of the formal Emergency Support Function (ESF)/Incidental Command System (ICS) for emergency response.

Policy 12.4.2: The City shall continue collaborative efforts in the management of special needs shelters, and transportation and tracking of citizens during evacuations.

Policy 12.4.3: The City shall partner with local government and the School Board in disaster drills as necessary to ensure community readiness.

Policy 12.4.4: The City shall work with other local governments and the School Board to promote coordination in disaster planning efforts to ensure collaborative processes rather than competing plans.

Annual Review and Update of the Element

Objective 12.5: The City shall coordinate with other participating local governments and the School District in an annual review and update of the element.

Policy 12.5.1: The City shall work cooperatively with the School Board and other participating local governments to track approved and proposed development projects that have either received or requested concurrency determinations.

Policy 12.5.2: The City shall provide the School Board with annual updates, including the type number and location by project name and SSA of residential units approved for development, type number, and location by project name and SSA of all residential

certificates of occupancy issued, summary of expired certificates of level of service, and as soon as possible, a draft Capital Improvements Plan (CIP) with the final version to be submitted after adoption. ~~at a minimum, of concurrency reservations for schools that reflect completed residential units whose impacts are accounted for in the demand generated by existing.~~

Policy 12.5.3: The City shall provide the School Board with population projections by School Service Area (SSA) and update on an annual basis.

Policy 12.5.4: A Staff Working Group shall be established to meet periodically and evaluate population projections, enrollment projections, and growth projections.

Policy 12.5.5: There shall be regular meetings of the Manatee Council of Governments to review the element and ensure that there is open communication on school and community planning issues and to annually review the element.

GOAL: ENSURING THE PROVISION OF PUBLIC SCHOOL FACILITIES CONSISTENT WITH THE ADOPTED LEVEL OF SERVICE (LOS) STANDARDS

Level-of-Service (LOS) Standards

Objective 12.6: Recognizing public school facilities as community infrastructure, work with other local governments and the School Board to establish uniform district-wide LOS standards for public schools of the same type.

Policy 12.6.1: The LOS standards for public schools are as follows:

- Elementary: 110% of Permanent Florida Inventory of School Houses (FISH) Capacity by SSA
- Middle: 105% of Permanent FISH Capacity by SSA
- High: 100% of Permanent FISH Capacity District-wide

Policy 12.6.2: For the first three years (2008, 2009, 2010) of school concurrency implementation, relocatable facilities purchased after 1998 that meet the standards for

long-term use pursuant to Section 1013.20, F.S., shall be included in the school concurrency determination, and beginning 2011 the relocatables will be removed from the concurrency determination. Those relocatables that do not meet the requirement will not be included in the school concurrency determination.

Policy 12.6.3: Capacity Utilization is Capacity Demand divided by Capacity Availability.

Objective 12.7: Establish coordinated concurrency service areas that provide for effective analysis and planning.

Policy 12.7.1: The City, in coordination with the School Board, shall adopt SSAs as part of its land development regulations.

Policy 12.7.2: The City, in coordination with the other local governments and the School Board, shall consider the following criteria and standards when establishing and modifying SSAs:

- Achievement and maintenance of LOS standards adopted;
- Maximizing utilization of school capacity;
- Transportation costs;
- Court-approved desegregation plans;
- Relationship to School Attendance Zones;
- Changes in use of schools;
- Anticipated demand and student generation based upon proposed or approved residential development;
- Patterns of development pursuant to adopted Comprehensive Plans;
- Neighborhoods;
- Natural and manmade boundaries, including waterways, arterial roadways, and political boundaries; and,

- Such other relevant matters as are mutually agreed to by the parties of the Interlocal Agreement.

Objective 12.8: Establish a concurrency management system that evaluates residential development applications for school concurrency requirements and maintains adopted levels of service.

Policy 12.8.1: The City and School Board shall ensure that the adopted levels of service are maintained by the end of the five-year planning period through the review of proposed residential development.

Policy 12.8.2: The City shall provide the opportunity for the School District to comment on Comprehensive Plan Amendments, rezonings, and other land-use decisions that may be projected to impact on public schools.

Policy 12.8.3: The final concurrency determination occurs when a development application for authorization for horizontal or vertical construction has been submitted to the City. ~~Concurrency determinations shall be made at the point in the development review process that constitutes the final concurrency determination for the City.~~

Policy 12.8.4: Capacity Demand shall be determined for each school type within the service area by adding the following:

- Existing students within the service area as determined annually by the School Board;
- Spaces reserved for future development with previously issued Certificates of LOS for Educational Facilities;
- Spaces reserved, subject to final approval by the City, of the potential number of students from the proposed development based on the most recently adopted methodology of the School Board.
- For the first three years (2008, 2009, 2010) of school concurrency

implementation, relocatable facilities purchased after 1998 that meet the standards for long-term use pursuant to Section 1013.20, F.S., shall be included in the school concurrency determination, and beginning 2011 the relocatables will be removed from the concurrency determination. Those relocatables that do not meet the requirement will not be included in the school concurrency determination.

Policy 12.8.5: Capacity Availability shall be determined for each school type within the service area by adding the following:

- Existing FISH permanent capacity; and,
- Improvements that will be in place or under construction within three years of the issuance of the final subdivision or site plan approval, or functional equivalent.

Policy 12.8.6: A proposed residential development shall receive a Certificate of LOS for Educational Facilities when it is determined there is sufficient Capacity Availability for the proposed impacts to schools based on Capacity Demand.

Policy 12.8.7: If sufficient capacity is not available within the SSA in which the proposed project is located, available capacity from contiguous service areas may be used.

Policy 12.8.8: ~~A proposed development seeking a Certificate of LOS for Education Facilities~~ The City and the School Board may utilize available capacity as needed from a contiguous SSA to meet the adopted LOS standards to determine financial feasibility within a SSA.

Policy 12.8.9: Contiguous Service Areas are as follows:

School Service Area	Contiguous Service Area
SSA 1	SSA 2
SSA 2	SSA 1, SSA 3

SSA 3	SSA 2, SSA 4
SSA 4	SSA 3

Mitigation and Share Opportunities

Objective 12.9: Establish provision of mitigation and proportionate share opportunities consistent with Florida Statutes.

Policy 12.9.1: In circumstances where there is not sufficient capacity in one or more school type, a development shall be required to mitigate its impacts before receiving approval of the Certificate of LOS for school concurrency.

Policy 12.9.2: An Applicant may propose any form of mitigation authorized pursuant to Section 163.3180(13)(e)(1), Florida Statutes, that is subject to approval by the School Board and the Affected Local Government(s), including, but not limited to, the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; the construction of a charter school that complies with the requirements of Section 1002.33(18), F.S., and the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits.

Policy 12.9.3: When proportionate share mitigation is used to satisfy the requirements of school concurrency, the City shall enter into a legally binding Development Agreement with the Applicant and the School Board.

This Development Agreement shall record and incorporate the mitigation to be contributed by the Applicant and accepted by the School Board, and ensure such mitigation funds are utilized appropriately for an improvement that satisfies the demand.

Policy 12.9.4: Proportionate share mitigation shall be eligible for impact fee credits pursuant to the terms of Section 163.3180(13)(e)(2), Florida Statutes.

Five-Year School Capacity Program

Objective 12.10: The Five-Year School Capacity Program should include projects necessary to address existing deficiencies and to meet projected capacity needs based upon achieving and maintaining the adopted LOS standards by the end of the five-year planning period.

Policy 12.10.1: The Five-Year Schedule should be reviewed and amended, at least annually, to include new capacity projects, proportionate share mitigation projects, and any projects necessary to maintain LOS standards.

Policy 12.10.2: Each year the City shall adopt plan amendments:

- 1) adding a new fifth year;
- 2) updating the financially feasible public schools capital facilities program;
- 3) coordinating the program with the five-year district facilities work plan, the plans of other local governments; and
- 4) as necessary, updating the concurrency service area map.

Policy 12.10.3: The annual plan amendments shall ensure that the Capital Improvements Program continues to be financially feasible and that the LOS standards shall continue to be achieved and maintained by the end of the five-year and long-term planning period.

Policy 12.10.4: If capacity projects are removed from the School Capacity Program by the School Board or moved to a later year, the City shall similarly modify the Five-Year Schedule in its annual Comprehensive Plan amendments to ensure consistency.

Section 2. Policy 11.2.4 of Element 11.0 Intergovernmental Coordination is hereby amended and Objectives 11.3 and 11.4 and the policies thereunder are hereby added to Element 11.0 Intergovernmental Coordination of the City of Palmetto 2010 Comprehensive Plan, and shall read in their entirety as follows:

Policy 11.2.4: The impacts of development proposed in the comprehensive plan shall be coordinated with adjacent municipalities, the county, the School Board, the region, and the state.

Objective 11.3: The City shall coordinate the adopted Comprehensive Plan with the plans of the School Board.

Policy 11.3.1: The City shall adopt the “Amended and Restated Interlocal Agreement for Public School Facility Planning” that was fully executed by all the parties as such Agreement and which may be amended from time-to-time.

Policy 11.3.2: The City shall strive to monitor and evaluate the Public School Facilities Element in order to assure the best practices of the joint planning processes and procedures for coordination of planning and decision making are implemented.

Policy 11.3.3: The City shall coordinate its Comprehensive Plan and Future Land Use Map (FLUM) with the School District’s long-range facility maps to ensure consistency and compatibility with the provisions of this element.

Policy 11.3.4: The City shall provide an electronic (on CD) copy of the Comprehensive Plan to the School Board

Collaborative Planning and Decision Making

Objective 11.4: The City shall provide for collaborative planning and decision making with the School District and participating local governments.

Policy 11.4.1: The City shall provide the School District with annual information needed to determine school concurrency.

Policy 11.4.2: The City shall annually provide the School District population projections to facilitate development of school enrollment projections.

Policy 11.4.3: The City shall provide the opportunity for the School District to comment on Comprehensive Plan Amendments, rezonings, and other land-use decisions that may be projected to impact on public schools.

Policy 11.4.4: A Staff Working Group shall be established to meet periodically and carry out the responsibilities assigned pursuant to the Interlocal Agreement.

Policy 11.4.5: The City shall participate in meetings of the Manatee Council of Governments to ensure open communication on school and community planning issues.

Section 3. Objective 13.7 and the policies hereunder are hereby added to Element 12.0 Capital Improvement Element, and shall read in their entirety as follows:

Objective 13.7: The City shall establish and maintain the adopted LOS for public schools.

Policy 13.7.1: The City and the School Board agree to implement the LOS standards for public schools to all schools of the same type.

Policy 13.7.2: The LOS standards for public schools are as follows:

- Elementary: 110% of Permanent Florida Inventory of School Houses (FISH) Capacity by School Service Area (SSA)
- Middle: 105% of Permanent FISH Capacity by SSA
- High: 100% of Permanent FISH Capacity District-wide

Policy 13.7.3: For the first three years (2008, 2009, 2010) of school concurrency implementation, relocatable facilities purchased after 1998 that meet the standards for long-term use pursuant to Section 1013.20, F.S., shall be included in the school concurrency determination, and beginning 2011 the relocatables will be removed from the concurrency determination. Those relocatables that do not meet the requirement will not be included in the school concurrency determination.

Policy 13.7.4: Capacity Utilization is Capacity Demand divided by Capacity Availability.

Policy 13.7.5: The City shall ensure that future development pays a proportionate share of the costs of capital facility capacity needed to accommodate new development.

Policy 13.7.6: ~~The City adopts by reference the School District of Manatee County School 2009-2010 Capacity Program as approved by the School Board on September 28, 2009.~~—The City shall adopt the School District of Manatee County 2009-2010 School

Capacity Program as part of the Capital Improvement Element and as approved by the School Board on September 28, 2009.

Policy 13.7.7: The five-year schedule of improvements ensures the LOS standards for public schools are achieved and maintained ~~within the period covered by the~~ end of the five-year schedule.

2010 COMPREHENSIVE PLAN AMENDMENT

REVISION SUMMARY

Based Upon DCA, City Attorney, and School Board Revisions

February 10, 2010

Section 1 – Future Land Use Element

Removed Objective 1.13 – Deleted School Siting Section in its entirety as follows:

School Siting

Objective 1.13: ~~To~~ Provide for, locate and expand **public** schools in a coordinated manner ensuring the planning, construction, and opening of educational facilities are coordinated in time and place, concurrent with necessary services and infrastructure and to ensure compatibility and consistency with the Comprehensive Plan.

Policy 1.13.1: Under appropriate circumstances, schools may be considered in all land use plan categories, except Conservation.

Policy 1.13.2: Assist ~~schools the School Board~~ to determine appropriate sites ~~for schools~~. Continue to encourage the location of schools adjacent to other public facilities such as parks, libraries, and community centers and to those locations that can be used as a potential catalyst or leverage for redevelopment efforts in the surrounding urban area.

~~**Policy 1.13.3:** It is the intent of the City that development and redevelopment of school sites shall be as minimally disruptive as possible to adjacent areas. In order to achieve this, the City shall assess the potential impacts of these uses on the physical development pattern and the character of the surrounding area, and require mitigation of negative off-site impacts, consistent with the provisions of the Comprehensive Plan.~~

Per state statute, the Manatee County School Board is required to notify the City of Palmetto at least 60 days prior to acquiring or leasing property that may be used for a new public educational facility. The City shall notify the School Board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the Comprehensive Plan.

Policy 1.13.4: Ensure that adjacent neighborhoods have the opportunity to provide input into the school redevelopment and siting process.

Policy 1.13.5: Per state statute, the Manatee County School Board is required to notify the City of Palmetto at least 60 days prior to acquiring or leasing property that may be used for a new public educational facility. The City shall notify the board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the Comprehensive Plan.

Section 11 – Intergovernmental Coordination Element

Policy 11.2.4: Added the words, “the School Board” after the words, “the county”.

Objective 11.4: Added the Header, “Collaborative Planning and Decision Making”.

Section 12 – Public School Facilities Element

Under Goal, added the Header, “School Siting”.

Policy 12.1.4: Capitalized the word, “conservation” and added the words, “and Heavy Industrial”.

Added the below policy:

“Policy 12.1.5: Proposed development adjacent to any school site shall be compatible with existing or proposed school sites.”

Renumbered Policy 12.1.5 to **Policy 12.1.6** and the following words, “an electronic (on CD)”

Policy 12.2.1 Added the words, “and the collocated with educational facilities where adjacent land is available.”

Objective 12.4: Added the Header, “Emergency Preparedness System Participation”.

Objective 12.5: Added the Header, “Annual Review and Update of the Element”.

Policy 12.5.2: Changed the policy as follows:

The City shall provide the School Board with annual updates, including the type number and location by project name and SSA of residential units approved for development, type number, and location by project name and SSA of all residential certificates of occupancy issued, summary of expired certificates of level of service, and as soon as possible, a draft Capital Improvements Plan (CIP) with the final version to be submitted after adoption. ~~at a minimum, of concurrency reservations for schools that reflect completed residential units whose impacts are accounted for in the demand generated by existing students.~~

Objective 12.6: Added Header, “Level of Service (LOS) Standards”.

Policy 12.6.2: New Policy as follows:

"For the first three years (2008, 2009, and 2010) of school concurrency implementation, relocatable facilities purchased after 1998 that meet the standards for long-term use pursuant to Section 1013.20, F.S., shall be included in the school concurrency determination, and beginning 2011 the relocatables will be removed from the concurrency determination. Those relocatables that do not meet the requirement will not be included in the school concurrency determination."

Renumbered Policy 12.6.2 to Policy 12.6.3.

Policy 12.8.3: Revised Policy 12.8.3 as follows:

"The final concurrency determination occurs when a development application for authorization for horizontal or vertical construction has been submitted to the City. ~~Concurrency determinations shall be made at the point in the development review process that constitutes the final concurrency determination for the City.~~"

Policy 12.8.5: Added the following bullet:

- For the first three years (2008, 2009, and 2010) of school concurrency implementation, relocatable facilities purchased after 1998 that meet the standards for long-term use pursuant to Section 1013.20, F.S. shall be included in the school concurrency determination, and beginning 2011 the relocatables will be removed from the concurrency determination. Those relocatables that do not meet the requirements will not be included in the school concurrency determination.

Policy 12.8.8: Replaced the words, "A proposed development seeking a Certificate of LOS for Educational Facilities" with the words, "The City and the School Board".

Objection 12.9: Added the Header: "Mitigation and Share Opportunities".

Policy 12.9.2: Added the following words, "the construction of a charter school that complies with the requirements Section 1002.33(18), F.S.".

Objective 12.10: Added Header, "Five-Year School Capacity Program".

Section 13 – Capital Improvements Element

Facilities Standards Table: Added Schools

Policy 13.7.3: New Policy as follows:

“For the first three years (2008, 2009, and 2010) of school concurrency implementation, relocatable facilities purchased after 1998 that meet the standards for long-term use pursuant to Section 1013.20, F.S. shall be included in the school concurrency determination, and beginning 2011 the relocatables will be removed from the concurrency determination. Those relocatables that do not meet the requirement will not be included in the school concurrency determination.”

Policy 13.7.6: Replaced as follows:

“The City shall adopt the School District of Manatee County 2009-2010 School Capacity Program as part of the Capital Improvement Element and as approved by the School Board on September 28, 2009.”

Policy 13.7.7: Replaced as follows:

“The five-year schedule of improvements ensures the LOS standards for public schools are achieved and maintained ~~within the period covered~~ by the **end of the** five-year schedule.”

RECEIVED



STATE OF FLORIDA

RECEIVED

JAN 14 2010

DEPARTMENT OF COMMUNITY AFFAIRS
City of Palmetto
Planning Department

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

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

January 11, 2010

The Honorable Shirley Bryant, Mayor
The City of Palmetto
Post Office Box 1209
Palmetto, Florida 34220-1209

Dear Mayor Bryant:

The Department has completed its review of the proposed Comprehensive Plan Amendment for the City of Palmetto (DCA No. 10-PEFE1), which was received on November 10, 2009. Based on Chapter 163, Florida Statutes, we have prepared the attached report, which outlines our findings concerning the amendment. It is particularly important that the City address the objections set forth in our review report so that these 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 Department identified a single objection in the review of the amendment relating to need to better link the School District's School Capacity Program to the City's Capital Improvements Element. If you, or your staff, have any questions or if we may be of further assistance as you formulate your response to this report, please contact Dan Evans, AICP, Principal Planner, at (850) 922-1805.

Sincerely,

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/de

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Mr. Manny Pumariaga, Executive Director, Tampa Bay Regional Planning Council
Mr. Thomas C. McCollum, Interim City Planner, City of Palmetto

TRANSMITTAL PROCEDURES

Upon receipt of this letter, the City of Palmetto 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 government comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes (F.S.), and Rule 9J-11.011, Florida Administrative Code (F.A.C.) The City must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2) (a), F.S.

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 amendments;

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 amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the Tampa Florida Regional Planning Council.

Please be advised that Section 163.3184(8) (c), F.S., 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.

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
THE CITY OF PALMETTO
COMPREHENSIVE PLAN AMENDMENT 10-PEFE1

January 11, 2010
Division of Community Planning
Bureau of Local Planning

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

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the City of Palmetto proposed amendment to their comprehensive plan (DCA number 10-PEFE1) pursuant to Chapter 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 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.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
PROPOSED COMPREHENSIVE PLAN AMENDMENT
CITY OF PALMETTO (DCA No. 10-PEFE1)

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

A. Public School Facilities Element

The Department has identified the following objections to the proposed City of Palmetto Public Educational Facilities Element (PEFE).

1. School Five-Year Capacity Program and the Capital Improvements Element

Policies 13.7.5, 13.7.6, and 13.7.7 do not satisfy the requirements of 9J-5.005 (2)(g) which require that any document incorporated by reference into the local government comprehensive plan include author, title, and edition of the document. The policies cited above identify that the City shall adopt the School Capacity Program of the Manatee County School District as part of the Capital Improvement Element, and that annual updates to the schedule will ensure that level of service standard are achieved and maintained. While the intent of these policies is to address the requirement to link needed school improvements with the City's capital Improvements Element, they fall short of actually incorporating the plan by reference as required because it does not include the title and edition of the document.

Sections 163.3164(32), 163.3177(3)(a) and (b), and 163.3180(13)(d)(1), F.S., Rule 9J-5.005(2)(g), F.A.C.

Recommendation

Revise the policy or policies to clearly incorporate the Manatee County School District's Five Year School Capacity Program into the Capital Improvements Element. The City should ensure that the incorporation by reference includes the title and edition of the plan pursuant to Rule 9J-5.005(2)(g), F.A.C.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The proposed amendment does not adequately address the State Comprehensive Plan with regard to the following goals and policies:

Goal (15)(a), Land Use, Policies (b) 7 regarding the provision of education programs to meet state, regional, and local planning and growth management needs.

Goal (16)(a), Urban and Downtown Revitalization (b) 8. regarding cooperation and sharing of educational facilities in urban areas.

Goal (17)(a), Public Facilities, Policy (b) 1. and 7. regarding the development of land in ways which maximize the use of existing facilities, and the use capital improvements plans for all levels of government.

Recommendation

Revise the amendment to address the objection raised in this report in order to be consistent with the above cited provisions of the State Comprehensive Plan.

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December 22, 2009

Mr. D. Ray Eubanks, Plan Processing Administrator
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Dear Mr. Eubanks:

Re: Palmetto 10PEFE1

Thank you for the opportunity to review the proposed public school facilities element for the City of Palmetto. The transmittal included supporting data and analysis, including the previously approved interlocal agreement for school concurrency; amendments to the future land use element, intergovernmental coordination element, and capital improvements element; and a new public school facilities element. The Department's comments are provided below:

1. **Data and Analysis.** – The city provided the October 30, 2009, revised data and analysis document prepared by the Manatee County School District. The data and analysis appear to reflect best available data for land use approvals, population projections, student enrollment projections and public school facility capacity. The Department raises one comment regarding revised Exhibit 5.5, which presents analysis of level of service for the five-year and long-term planning periods. The tables appropriately reflect capacity provided in eligible relocatable buildings pursuant to Section 163.3180(13)(b)4., F.S. It is unclear, however, whether the capacity in eligible relocatable buildings is removed from the calculation of capacity after the 3-year requirement to do so pursuant to the statute. If not, the tables should be revised to adjust capacity data to reflect only capacity in permanent buildings, to correspond to the level of service standards approved in the interlocal agreement.
2. **Goals, Objectives and Policies.** – The Town proposed revisions to the future land use, intergovernmental and capital improvements elements. It also proposed goals, objectives and policies for a new public school facilities element. The Department's comments on the amendments to the various elements are noted below:

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- a. Future Land Use Element. – The city proposes new FLUE policy 1.13.5 related to the location of schools. As proposed, the policy does not appear to set a predictable standard because “appropriate circumstances” are not specified. Further, the policy as proposed appears inconsistent with Section 9.2.B of the approved interlocal agreement in that the agreement provides that in the City of Palmetto, schools can be located in any future land use category except heavy industrial, conservation and preservation—without limitation. The policy would be improved if revised for consistency with the interlocal agreement, which specifies mutual agreement of the city and the School Board. Similarly, proposed policy 1.13.3 would be improved if revised to acknowledge the governing provision of the interlocal agreement.
- b. Intergovernmental Coordination Element. – No comment.
- c. Capital Improvements Element. – The city provides for adoption of the School District of Manatee County School Capacity Program as part of the city’s Capital Improvement Element. The city provided the correct school capacity program as a support document. The city, however, does not propose a policy to effect adoption by reference or otherwise. Section 163.3180(13)(d)1., F.S., requires the capital improvements element to set forth a financially feasible plan for public school facilities. At the time of adoption, the city must include a new policy to adopt the current (2009-10 through 2013-14) school capacity program by reference, citing author, title and date (see Manatee County CIE policy 10.2.1.3 as an example). Thereafter, the city must update the new policy annually to reflect the new school capacity program as part of its CIE update.
- d. Public School Facilities Element. – While the public school facilities element policies are not inconsistent with the policies adopted by Manatee County and other municipalities in Manatee County, they would be improved if revised to reflect the order and complete policy as adopted in the Manatee County element. Such revisions would further the intent of Sections 163.3177(12) and 163.3180(13), F.S., which require uniform implementation of school concurrency district wide. Two policies, however, appear to be inconsistent with the approved interlocal agreement and policies adopted by Manatee County and must be revised for consistency. These include policies 12.7.2 and 12.8.4, which should be revised consistent with Manatee policies 12.5.2.2 and 12.5.3.3, respectively.

The Department congratulates the city and the school board on their work to complete the proposed plan for implementing school concurrency. Again, thank you for the opportunity to review and comment. Please feel free to contact me if you have any questions.

Sincerely,



Tracy D. Suber
Educational Consultant-Growth Management Liaison

TDS/

cc: Ms. Amy Anderson, School District of Manatee County
Mr. Dan Evans, DCA



8 BP
12/4/09

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

December 3, 2009

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Historic Preservation Review of the Palmetto 10-1 Comprehensive Plan Amendment
(Manatee County)

Dear Mr. Eubanks:

According to this agency's responsibilities under Section 163, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources were given sufficient consideration in the request to amend the Palmetto Comprehensive Plan.

We reviewed proposed text changes to various elements of the Palmetto Comprehensive Plan to consider the potential effects of these actions on historic resources. While our cursory review suggests that the proposed changes may have no adverse effects on historic resources, it is the city's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

Laura A. Kammerer, Historic Preservationist Supervisor
Compliance Review Section
Bureau of Historic Preservation

xc: Mr. Bernard Piawah



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6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

December 9, 2009

Mr. Ray Eubanks
Division of Community Planning
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Subject: **City of Palmetto Plan Amendment 10-1**

Dear Mr. Eubanks:

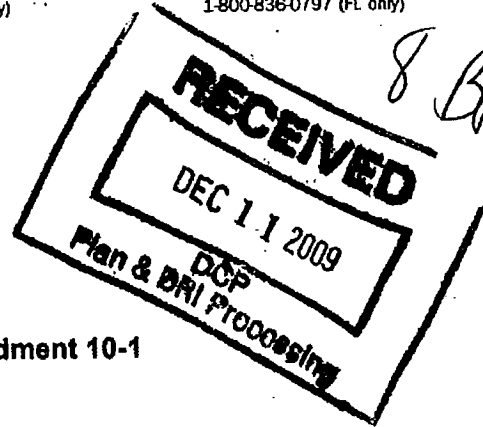
The Southwest Florida Water Management District reviewed the referenced plan amendment, and concluded that comments are not necessary. It has come to our attention, however, that the City has not satisfied water supply planning requirements in Chapter 163.3177(6)(c), F.S., relating to the development of a water supply facilities work plan (work plan). These requirements call for the adoption of the work plan within 18 months after the completion of the update to the Regional Water Supply Plan (RWSP). The District's RWSP was approved on November 30, 2006, so May 30, 2008 was the deadline for adoption.

The District appreciates this opportunity to participate in the review of comprehensive plan amendments. If we may be of further assistance, please do not hesitate to contact us.

Sincerely,

Trisha Neasman, AICP
Government Planning Coordinator

TN
cc: Thomas McCollum, City of Palmetto
Terri Behling, SWFWMD



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