



MEMORANDUM

Date: September 19, 2016

To: Honorable Board of County Commissioners
The Planning and Zoning Board

From: Matthew T. Trepal, Principal Planner

RE: PA-16-09-12-LS, a large-scale text amendment to Charlotte 2050, amending the Future Land Use (FLU) Element, FLU Appendix I: Land Use Guide, and FLU Appendix II: Future Land Use Map Series

Staff Recommendation:

"Approve transmittal of petition No. PA-16-09-12-LS to the Department of Economic Opportunity for review and comments, based on the findings and analysis in the Planning Division staff report dated September 19, 2016 and the evidence presented at the public hearing on the application."

Planning and Zoning Board Recommendation:

"Motion to forward application No. PA-16-09-12-LS to the Board of County Commissioners with a recommendation of Approval of Transmittal of PA-16-09-12-LS to the Department of Economic Opportunity for review and comments, based on the findings and analysis in the Planning Division staff report dated September 19, 2016 and the evidence presented at the public hearing on the application."

Purpose of This Amendment:

PA-16-09-12-LS involves a large-scale text amendment to amend Future Land Use element policies regarding the Murdock Village Community Redevelopment Area (MVCRA). The amendment proposes granting a waiver to the Transfer of Density Units (TDU) policies of Charlotte 2050 and to the TDU Ordinance and allowing development within the MVCRA to occur through the use of the existing zoning or Planned Development zoning until such time as a specific zoning district for Murdock Village is adopted.

This amendment also proposes revisions to the Murdock Village Mixed Use (MVMU) future land use map (FLUM) designation in **FLU Appendix I: Land Use Guide** to better reflect the nature of recent development proposals within the MVCRA.

COMMUNITY DEVELOPMENT DEPARTMENT

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Finally, this amendment proposes a revision to **FLU Appendix II: Future Land Use Map Series**, adding the MVCRA to **FLUM Series map #21: TDU Waivers**, reflecting the granting of a TDU waiver to the MVCRA.

The proposed amendments are included in the various Exhibits attached to this memorandum.

Analysis:

The proposed revision to **FLU Policy 1.2.15: TDU Waivers** would exempt the MVCRA from needing to comply with the provisions of the TDU policies within the comprehensive plan, and with the TDU Ordinance within the Charlotte County Code of Laws and Ordinances. When originally developed, the concept for Murdock Village was that the bulk of the MVCRA, property owned by the Murdock Village Community Redevelopment Agency, would be sold in a single transaction to a master developer who would then develop the site as a whole. In this scenario, the buyer of the property would also receive the bulk of the development entitlements, and would be able to shift them around the site to achieve the best possible layout of development opportunities. The use or required use of the TDU Ordinance to achieve this shifting of entitlements, specifically residential density units, was never envisioned.

As the development process for the segment of the MVCRA owned by the Community Redevelopment Agency has shifted from selling the entire site to one developer to selling portions of the site to various developers, the need to address the arrangement of development entitlements upon the land arose. The existing requirements of the MVMU FLUM designation anticipated the rearrangement of entitlements upon the site, including the conversion of approved entitlements into other forms of development, based upon the estimated traffic trip generation impacts of those uses, and has established a maximum number of allowable density units within the MVCRA. This conversion mechanism was developed to maintain a consistent level of maximum impact, regardless of how the development entitlements within the MVCRA were rearranged or converted.

The development of Murdock Village has been a high priority of the County for over a decade. As the property owned by the Community Redevelopment Agency, which represents the bulk of the MVCRA, is sold, it is important to minimize the barriers to development. Because the MVMU FLUM designation contains a mechanism to limit the maximum impacts of development within the MVCRA built into its standards, the use of the TDU process is unnecessary.

The proposed revision to existing **FLU Policy 5.3.4: Murdock Village Zoning Regulations** would allow property within the MVCRA to develop using either the existing zoning, for properties under private ownership or for properties owned by the Community Redevelopment Agency and located in the first block south of U.S. 41, or by Planned Development for property owned by the Community Redevelopment Agency, the County, or the County School Board and located south of the first block south of U.S. 41. Properties could use this method to develop until such time as a specific zoning designation was developed and adopted for the MVCRA.

Currently, the MVCRA is inconsistent between its FLUM designation and its zoning districts. While the entire CRA has a FLUM designation of MVMU, the site is a combination of various zoning districts, including Residential Single-family 3.5, Residential Multifamily 10, Commercial General, and Office, Medical, and Institutional. Under State Statute, zoning must be consistent with the FLUM designation, and existing **FLU Policy 5.3.4** states *“the County shall adopt a specific mixed use zoning district”* for the MVCRA.

FLU Policy 5.3.4 was adopted when the intent for Murdock Village was to sell the Community Redevelopment Agency-owned property to a single developer, who would then create a mixed-use zoning district for the entire CRA. As the development process for the CRA has shifted, however, the adoption of a single zoning district for the entire site has become less workable. In addition, the lack of consistent zoning makes vacant, privately-owned parcels within the CRA legally undevelopable, a situation the County does not want to continue. Up to this point, the County has allowed privately-owned parcels to develop under the existing zoning if they request and receive a Zoning Determination Letter from the Community Development Department, but the proposed amendment would eliminate the need to request such a letter.

Under the proposed amendment, until a mixed-use zoning district is adopted for the MVCRA development of land contained within the bulk of the site, owned by the Community Redevelopment Agency, would occur through the use of Planned Development (PD) zoning. Each parcel sold to a developer by the Community Redevelopment Agency would receive its own PD rezoning, developed to best address the uses proposed on the site.

The proposed revisions to the **Murdock Village Mixed Use FLUM designation** contained within **FLU Appendix I: Land Use Guide** also reflect the changing nature of the development process within Murdock Village. Under the original development vision for the CRA, established in the Murdock Village Community Redevelopment Plan, a master developer would create a *“mixed-use, high-tech, energy efficient and environmentally friendly community”* that included *“development of a vibrant and attractive gathering place for the entire community in the form of a Town Center, ‘five minute walk’ access to parks, facilities and services, a pedestrian friendly street and access network, and interior greenway and blueway open space linkages”*. Accordingly, the comprehensive plan carried these standards over into the MVMU FLUM designation. The standards included:

- Minimum and maximum areas for various potential land uses within Murdock Village, including residential neighborhoods, a mixed-use town center, commercial centers, recreational facilities, and educational campuses.
- The requirement of a minimum amount of residential development, and a minimum amount of non-residential development.
- A required minimum amount of open space.
- A required minimum amount of land for public school facilities.

As the economy faltered in the late 2000s, however, large developers stepped away from pursuing projects such as that envisioned by the Community Redevelopment Plan, and the Community Redevelopment Agency began entertaining offers from smaller developers for the development of smaller portions of the MVCRA. Individually, these projects could not meet all of the standards contained within the MVMU FLUM designation. Some of the required standards make sense only in the context of a master-planned development, but without a master developer to implement the standards of the MVMU FLUM designation, those same standards could act as an impediment to development, rather than an enhancement, and retard the ability of the Community Redevelopment Agency to transfer property within the MVCRA to developers of projects that would otherwise be desirable to the Community Redevelopment Agency and the County.

Under the proposed amendment, the minimum and maximum land use requirements would be removed from the standards. This should provide greater flexibility in the type of development that may occur within Murdock Village.

The proposed revision to **Future Land Use Map Series map #21: TDU Waivers** contained within **FLU Appendix II: Future Land Use Map Series** is directly related to the revision to **FLU Policy 1.2.15**, referenced above. **FLUM Series map #21** shows the areas that have been granted TDU waivers through

FLU Policy 1.2.15. Currently, the map shows only the Babcock Ranch Community DRI, in eastern Charlotte County. That development was granted a waiver to the provisions of the TDU program in 2006. With the granting of a waiver to the MVCRA through these proposed revisions, this map must be updated to reflect that.

Consistency with Charlotte 2050:

Existing **FLU Policy 1.4.1: Vested Rights Protection** states that the County *“recognizes and respects private property rights... and shall continue to provide methods for the assertion of vested rights”*. As mentioned above, the current inconsistency between the existing FLUM designation and the existing zoning districts has rendered the property within the MVCRA legally undevelopable. Currently, the County has allowed development to occur within the MVCRA through the use of a Zoning Determination Letter, but it could be argued that the County is currently not recognizing private property rights through this inconsistency. The proposed revision to existing **FLU Policy 5.3.4: Murdock Village Zoning Regulations** would correct this issue. Existing **FLU Objective 5.3: Economic Centers and CRAs** states the County’s intent to *“maximize”* the *“economic benefit”* of Community Redevelopment Areas and existing **FLU Policy 5.5.1: Economic Development Strategy** states that the County shall, among other objectives, *“Provide incentives or remove disincentives to attract companies”* and *“Market Charlotte County as a Business Location”*. With the shifts in the economy making it more difficult to implement the original adopted vision of the MVCRA, the Community Redevelopment Agency and the County need flexibility to promote redevelopment in terms of design and standards that the existing standards do not provide. The proposed revisions to existing **FLU Policy 1.2.15: TDU Waivers**, the **MVMU FLUM designation** within **FLU Appendix I: Land Use Guide**, and **FLUM Series map #21: TDU Waivers** within **FLU Appendix II: Future Land Use Map Series** should provide this flexibility and improve the marketability of the property within the MVCRA. Therefore, the proposed amendments are consistent with and supported by Charlotte 2050.

EXHIBIT A

Amendments to the Future Land Use element Goals, Objectives, and Policies

FLU Policy 1.2.15: TDU Waivers

The following are waivers, depicted on FLUM Series Map #21, from the requirement to transfer density to a Receiving Zone:

1. Development within the Babcock Ranch Overlay District (BROD) is exempt from any Transfer of Density Units policies in the Comprehensive Plan and from the Transfer of Density Units requirements of the Land Development Regulations.
- ~~1-2.~~ Development within the Murdock Village Community Redevelopment Area (MVCRA) is exempt from any Transfer of Density Units policies in the Comprehensive Plan and from the Transfer of Density Units requirements of the Land Development Regulations.

FLU Policy 5.3.4: Murdock Village Zoning ~~Regulations~~

~~To implement the Redevelopment Plan, Until such time as the County shall adopt a specific mixed use zoning district. This district shall include design and development standards as well as specific Floor Area Ratios (FARs) for the land use relationships established in the Redevelopment Plan. The standards shall include design and maintenance criteria for new and redeveloped properties, streets, pedestrian and bicycle facilities, signage, and public areas within the development. The standards will address the incorporation of human-scale aesthetics into street and building design. Building design and location shall reinforce a pedestrian-oriented character including linkages between land uses through a functional bicycle-pedestrian system. Public gathering places shall be incorporated within each distinct land use area for the MVCRA:~~

- ~~1. Privately-owned properties within the MVCRA and properties owned by the Murdock Village Community Redevelopment Agency that are located north of Franklin Avenue, Buena Vista Circle, and Seymour Avenue may develop according to the existing zoning on the property.~~
- ~~2. Property currently owned by the County, the Murdock Village Community Redevelopment Agency, and the Charlotte County School Board that are located south of Franklin Avenue, Buena Vista Circle, and Seymour Avenue shall be developed through the use of Planned Development zoning.~~

EXHIBIT B

Changes to FLU Appendix I: Land Use Guide, Section 3

MURDOCK VILLAGE MIXED USE (MVMU)

The Murdock Village Mixed Use category is designed for the Murdock Village Community Redevelopment Area (MVCRA) and will encourage a ~~high-tech, energy efficient and environmentally friendly~~ mix of residential, retail commercial, medical, office, office showroom, public, ~~and educational facilities~~, recreational, ~~and institutional redevelopment~~. ~~The mixed use development focus will be on creating a vibrant and attractive gathering place for the entire community in the form of a town center; adequate provisions for distinct and interconnected multi-generational neighborhoods; "five minute walk" (the reference is not intended to be taken literally but to suggest easy walkable access) to parks, facilities and services; a pedestrian friendly street network; and interior greenway and blueway open space linkages that integrate the MVCRA with existing County resources.~~

Maximum Development

Total development within the MVMU shall be limited to 3,023,882 square feet of commercial uses, 538 multi-family dwelling units and 2,744 single-family dwelling units, provided that these uses and development totals may be modified in accordance with the MVMU Equivalency Matrix, provided in FLU Section A-6. Table A-~~3-67~~, Murdock Village Mixed Use Densities/Intensities, provides additional development parameters for the primary use areas located within MVMU. The maximum residential density shall not exceed 5,800 dwelling units total.

General Range of Uses

Within the MVMU classification, the County shall allow a combination of residential, retail commercial, medical, office, research and development, office showroom, hotels, civic, healthcare, parks and open space, public/institutional, educational land uses, and public services and recreational, and institutional facilities in order to encourage long-term sustainable development. ~~Mobile Manufactured homes and industrial uses, except as otherwise provided herein,~~ are prohibited within the MVMU. The following types of uses are permitted in MVMU:

Neighborhood Residential:

- a. MVMU shall include distinct interconnected, multi-generational, residential neighborhoods.
- b. Residential neighborhoods shall feature easy access to a network of open space which may include bicycle/pedestrian facilities, greenways and blueways.
- c. Assisted Living Facilities shall be permitted within areas designated as Neighborhood Residential.
- d. Non-residential land uses located within areas designated as Neighborhood Residential shall be designed and developed to protect the integrity of the surrounding residential land uses.
- e. Internal Commercial sites ~~shall be a maximum of four acres, although the total acreage of all Internal Commercial shall not exceed 16 acres, and~~ shall only be built within the Neighborhood Residential Land Use District areas to provide for

local daily convenience goods, retail, professional, office showrooms, healthcare, personal and business services.

- f. Both single-use and multi-use development sites can be located within Internal Commercial areas.
- g. Medium- to high-density residential will be permitted in these areas provided they are located on the upper floors of a mixed-use building.
- h. Multi-use development on a single parcel shall be designed and developed to protect the integrity of the surrounding land uses.

Town Center:

- a. A Town Center ~~shall may be incorporated into MVMU. The Town Center shall~~ be designed as the a primary activity center ~~for the community~~, using the mixed-use and pedestrian-friendly principles of traditional urban design.
- b. The Town Center ~~shall encompass a minimum of 80 acres, and shall~~should provide a mix of uses including ~~at a minimum~~, commercial, office, public, civic and residential uses (single-family and multi-family), and may also include hotels and assisted living facilities.
- c. Multi-use development on a single parcel shall be designed and developed to protect the integrity of the surrounding land uses.

General Commercial: General Commercial is intended for activities predominately connected with the sale, rental and distribution of products or performance of services. Healthcare, hotels, assisted living facilities, and offices can also be located within these areas.

- a. Medium to high density residential shall be permitted in these areas.
- b. Multi-use development on a single parcel shall be compatible with surrounding land uses.

Community Commercial: Community Commercial is intended to provide for daily and lifestyle needs and services for the residents of Murdock Village, as well as the residents of the general community. Uses may include general retail, offices, professional services, residential, healthcare, assisted living facilities, restaurants, and business services. ~~Community Commercial sites will range in size from ten to 25 acres, but the total acreage of Community Commercial shall not exceed 35 acres.~~

Office Showroom: Office Showroom is intended for activities that diversify the economic base of the community and are limited to light fabrication, service, printing, storage and packaging uses which ~~do will~~ not have nuisance impacts on adjacent uses from dust, odor, noise, vibration, or glare to adjacent uses. Office Showroom shall be designed and developed to protect the integrity of any surrounding residential land uses.

~~Light Fabrication is limited to assembly, bio-tech research, and limited warehouse/flex space.~~

University/College Campus: University/College Campus is intended to provide educational and residential opportunities in an urban, rather than suburban campus. Uses allowed include buildings for academic, administrative, dormitories and support services; parking garages and surface parking lots; and other uses customarily part of a university/college campus.

Such campus areas ~~shall~~ should be integrated with adjacent uses to facilitate pedestrian access, minimize parking requirements, and to protect the integrity of the surrounding land uses.

Maximum Density/Intensity

| FLU Table A-7: Murdock Village Mixed Use Densities/Intensities | | | | |
|--|-----------------|----------------------------|------------------------------------|-------------------------|
| Land Use Area | Type | Acreage | Maximum Density /Acre ¹ | Maximum Intensity (FAR) |
| Neighborhood Residential | Single Family | 300 to 475 | 3-6 | |
| | Multi-family | acres | 6-15 | |
| Internal Commercial | Non-residential | 4 to 16 acres | | 2.0 |
| Town Center | Residential | 80 to 250 acres | Up to 24 | 3.0 |
| | Non-residential | | | |
| Community Commercial | Residential | 10 to 35 acres | 6-15 | 3.0 |
| | Non-residential | | | |
| General Commercial | Residential | 40 to 69 acres | Up to 15 | 3.0 |
| | Non-residential | | | |
| Office Showroom | Non-residential | 0 to 40 acres | N/A | 2.0 |
| University/College Campus | Non-residential | 0 to 55 acres | N/A | 4.0 ² |
| Primary and Secondary Education Facilities | Non-residential | 0 to 35 acres | N/A | 4.0 |

¹ Density calculations apply to residential land uses.

Residential is not required in Internal, Community or General Commercial land use categories. To promote a mixed use district, density and FAR will be calculated independently. (For example, a one-acre site with an allowable density of 15 dwelling units per acre and non-residential floor area ratio of 2.0 would be allowed 15 units and 87,120 square feet of non-residential uses.)

² Dormitory units associated with a university/college campus are calculated based on floor area ratio. A university which is governed by Sec. 1014.30 F.S., is subject to the requirement to adopt a Campus Master Plan and to enter into an interlocal agreement with the local government to address its impacts and is therefore not subject to the maximum development amounts permitted within MVMU, i.e. development amounts which are established under an approved Campus Master Plan and interlocal agreement shall not be considered as being derived from development totals allowed within MVMU, notwithstanding that it may be located within the boundaries of MVMU.

Mix of Uses

~~As a mixed use district, MVMU shall allocate a minimum of 50 percent of the overall net developable land acreage within the district for residential uses and 35 percent for non-residential uses. Mixed use buildings that contain residential uses shall be considered non-residential for the purpose of this calculation. Net developable land excludes public rights-of-ways, open space and environmentally sensitive areas. Civic, educational, and public/institutional land uses and essential public services shall be permitted throughout the MVMU. Site development standards, locational criteria and design guidelines for all uses shall be developed and adopted by the County as Land Development Regulations for MVMU.~~

Special Provisions

- ~~1. *Comprehensive Transportation Analysis/Concurrency*: The County shall require a transportation component for MVMU to focus both on vehicular and pedestrian traffic. By providing a proper mix of land uses and transportation options, a substantial portion of the trips for residents and employees of the District should be satisfied within the development itself. MVMU shall be included in the County's comprehensive bicycle and pedestrian facilities plan to be prepared once redevelopment begins to address access, connectivity and mobility. This plan will be incorporated into the MPO's Long Range Transportation Plan. MVCRA has received a Vested Rights Determination from the County, exempting it from transportation concurrency based upon potential impacts calculated according to the original development entitlements.~~
- ~~2. *Specific Transportation Connections*: The close proximity of the District to major arterials, Tamiami Trail (U.S. 41) and El Jobean Road (S.R. 776) will enable the creation of a new network of connecting roads with gateways into the MVMU. In order to facilitate emergency evacuation, the County shall require north-south gateways and an east-west connector to be incorporated into the MVMU transportation design.~~
- ~~3. *Multi-modal Street Design*: The arrangement and design of streets within the MVMU shall promote a pedestrian and bicycle friendly environment ~~with an emphasis on comfortable and convenient access to neighborhoods, the Town Center, neighborhood shopping, parks, schools and civic uses.~~~~
- ~~4. *Open Space*: Open space shall constitute no less than 20 percent of the gross acreage of the MVMU. As permitted throughout the MVMU, the term "open space" shall include, but not be limited to: preserve areas, both passive and active parks (including the existing regional park), pedestrian and cycling systems; and properly designed buffers, lakes, and waterbodies.~~
- ~~5. *Schools*: The County shall require the MVMU to include a maximum of 35 acres available for development as a public primary or secondary school or other educational facility. Schools of higher education, including universities/colleges and vocational schools are not included in the acreage limitation set forth above.~~

~~*Other Public Facilities*: At the time of rezoning, the County shall determine the need to locate public facilities such as sheriff substations, fire stations, government offices and other public services within the MVMU.~~

EXHIBIT C

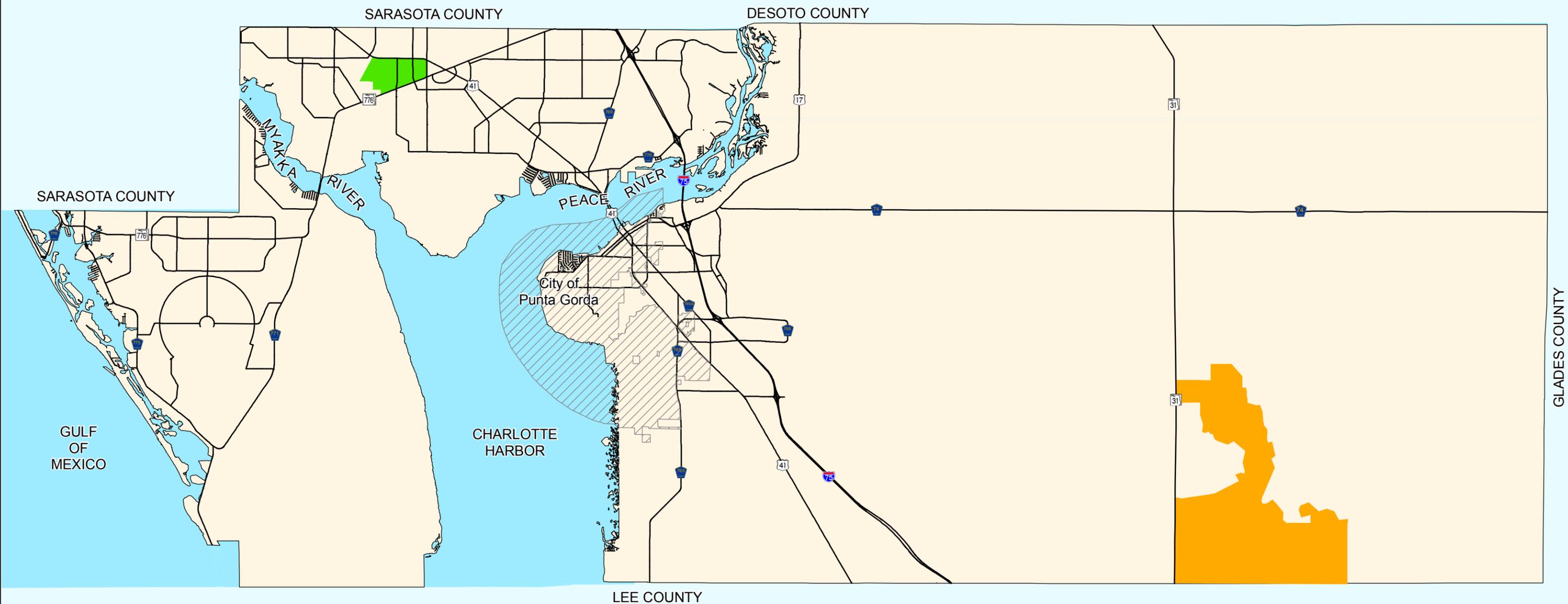
Changes to FLU Appendix II: Future Land Use Map Series



Land Information Section

CHARLOTTE COUNTY Future Land Use Map Series

Map #21: Transfer of Density Waivers (Proposed)



LEGEND



Murdock Village CRA



Babcock Ranch Community DRI

Stateplane Projection
Datum: NAD83
Units: Meters

Source: CCGIS, Growth Management

Metadata available upon request



2.5 1.25 0 2.5 Miles

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise as to its use. This is not a survey, nor is it to be used for design.