

CONTROL GROWTH NOW

News

Save Sarasota County



December 19, 2003

Formerly GEO, the Growth-restraint and Environmental Org.

Vol. 14, No.2

Let's Make Growth Pay Its Own Way

Control Growth Now Luncheon March 27

Mark your calendar now for our annual meeting and membership luncheon on March 27, 2004.

Invitations will be included in our next mailing, early next year, with a membership renewal form.



Early next year, the Sarasota County Commissioners will make two decisions that will determine whether they are serious about doing more to make growth pay its own way.

At Last, a School Impact Fee?

After more than a year's delay, the Commission is scheduled to vote on the school impact fee recommended by the School Board at the end of 2002.

While the school impact fee would bring a much-needed \$5 million to the School District for school construction, it is far short of the amount needed to fully pay the demands of growth.

Part of the reason is that the proposal would exempt families earning (at today's rates) \$42,000 a year from paying the impact fee. This would exempt a very large part of the housing built in North Port from paying the fee, even though that's where the need for new school construction is the greatest.

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The Emperor Has No Clothes

It is becoming abundantly clear that the Sarasota County Commission is naked as a bluejay when it comes to clothing the Sarasota 2050 plan with the reality of its promises to the public.

The regulations to "implement" the Sarasota 2050 Comprehensive Plan amend-

ment, as presented by the County's consultants from Orlando and as largely accepted so far by the Commissioners at a June workshop, expose this scheme for the fraud it is.

A second draft is due for presentation to

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**Annual Membership Dues
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President's Message



Control Growth Now.

With this new name, the organization formerly known as GEO, the Growth-restraint and Environmental Organization seeks to build upon our past struggles and successes to rescue and improve the quality of life in Sarasota County.

We seek to make growth pay its own way in order to avoid oppressive tax hikes, the waste of other available revenues and the overcrowding of our roads, classrooms and other facilities.

We seek strong concurrency rules and limits on urban sprawl and densification, to avoid the gridlock and growth that otherwise overwhelms our communities.

We seek a recognition that water supplies are limited, to avoid schemes that threaten the environment, public health and the public purse in order to serve development out of control.

We seek new housing and businesses that work with nature and neighborhoods rather than against them and which serve private interests without harming public interests.

In the coming year, we plan to work even harder to get our message to the public, expand our membership, influence official decisions and elect the right people to political offices. We urge that you work with us to achieve our goals, by renewing your membership in response to our next mailing, attending our annual meeting and luncheon on March 27, contacting your elected and appointed officials on pressing issues and otherwise doing what you can to support our efforts.

Control Growth Now.

We can't afford to do otherwise.

Impact Fees — Ctd. From Pg.1

This is also a problem because the County attorneys have advised that the exemption is illegal because it does not match the fees to growth impacts, as required by the courts.

Another way the school impact fee is lowballed is by understating the number of students per household in a new development. The School Board consultant simply took the number of dwelling units throughout the County and divided it by the number of public school students, producing an average of about one school-child for every five homes.

That formula is flawed, however, because it includes adult-only housing that is exempt from the school impact fee as well as the large number of resort condo units on the barrier islands that are unlikely to be replicated in much new housing development in the County. During the 2050 process, School District Superintendent Wilma Hamilton herself stated that the number of schoolchildren produced by typical new developments in the County is larger than the countywide average.

At \$2,032 for a single-family home, the school impact fee would be significantly below the \$2,607 charged by Manatee County. It is also very important to note that the Manatee County Superintendent of Schools has recommended a 60% increase in their school impact fee after new studies have shown that it is way too low.

The proposed impact fee is also much lower than that charged by other Counties, including \$4,142 in Lake, \$2,828 in Orange and Osceola, \$2500 in Dade, \$2,406 in Hernando, and \$2,232 in Lee.

Three years ago, the Sarasota County School District showed a projected five-year deficit of \$112.4 million in funding needed construction for both new growth and repairs. The time for delays is past. Sarasota County needs an adequate school impact fee and it needs it now.

Lowballing Road Impact Fees

Sarasota County Commissioners will also soon consider both an increase and a cut in the impact fees charged developers for the roads required to serve new growth. The proposals have been made by a County advisory committee that is dominated by development interests.

Although there is a proposal for a 26.9% increase to reflect increased costs of road building and right of way acquisition, half of the increase would be taken away

by proposed new discretionary long-term "credits" for local gas taxes (20 years worth) and sales taxes (6 years worth) produced by the new development.

The credits would be granted for all increases in road capacity from gas and sales taxes by the current use of those taxes, whether to meet current "catch up" needs or those required by new growth.

County attorneys and staff have advised that these new "credits" are "completely discretionary" and not required by law. They have previously advised the County Commission that the road impact fee is legally defensible without credits, as charging growth no more than its justifiable share for roads.

Sarasota County's road impact fees for a single family dwelling are now less than 2/3 of what they were ten years ago. Sarasota County faces a billion dollar shortfall in meeting the road building demands required by growth (and current unmet needs) by 2025. That's without the huge additional growth now allowed by the Sarasota 2050 plan. The proposed new impact fee credits would keep the impact fee increase from helping to close this deficit to the extent it otherwise would.

Manatee County's road impact fee at \$3,062 is already substantially higher for typical residential development than Sarasota County's at \$1,959. Nevertheless, Manatee County Administrator Ernie Padgett recently recommended a 63% increase in Manatee County's road impact fee over three years, in response to a professional study that recommended an immediate increase of 257% in the road impact fee in order to make growth pay its own way.

A few years ago, a professional consultant for Hillsborough County recommended that their road impact fee, which is comparable to Sarasota County's, be quadrupled in order to be sufficient to accommodate the demands of growth. In 1988, a Sarasota County staff report stated that road impact fees must triple in order to pay for all roads required by growth.

Sarasota County's road impact fees are also well below other counties in the state. Compare, for example, Lee County at \$2,436 and Collier County at \$5,592, for a single family dwelling. Again, Sarasota County is at only \$1,959.

Sarasota County used to have what impact fee opponents used to call "among the highest impact fees in the state." What happened?

What happened is that the Sarasota County Commission has failed to update the fees annually as required by County ordinance and has lowballed right of way

costs and made structural changes (such as changing the credit period from 5 to 20 years, over Bob Anderson's objection) to keep the fees artificially low. The proposed new credits would lowball the fees even further.

What About Other Impacts?

The County Commission also continues to ignore recommendations made several years ago by its staff for an impact fee for administrative facilities and courts. Although former Sheriff Geoff Monge called for a law enforcement impact fee in 1987, the County Commission has never taken action on that proposal. Other counties have these impact fees and others, such as for jails. Why not Sarasota County?

Paying The Piper

There are only two options to adequate impact fees:

- 1) Road gridlock and crowded and inadequate classrooms, courts, jails, law enforcement and other facilities.
- 2) Large tax hikes.

The undue influence of the Homebuilders Association and other development interests in this issue should end, beginning with County Commission rejection of the proposed new road impact fee credits and decisive action to implement the school impact fee and the new impact fees recommended by staff.

It would also be well for the County Commission to hire Tischler and Associates, the consultants who found legal ways for much higher fees in Manatee and Sarasota Counties and immediately take measures to reverse the downward structural changes made in our impact fees in recent years. A good first step would be to restore the five-year term (rather than twenty) for the existing road impact fee credits (such as for state and federal gas taxes, to account for trips on state and federal roads), if those credits are kept at all.

Let's make growth pay its own way, by fair and adequate impact fees on all new development. The consequences of failing to do so are too great to ignore.



Sarasota 2050 Rules — Ctd. From Pg. 1

the County Commission and Planning Commission in a workshop on December 18. While the consultants have promised some improvements, it continues to appear that it will take strong action by the Commissioners if the regulations are to be given sufficient substance. Public hearings begin January 21.

“Villages” In Name Only

The so-called Villages were sold to citizens as "compact, walkable, mixed use communities". Instead, the proposed regulations allow them to be nothing more than traditional urban sprawl.

Far from requiring that the communities be compact and walkable, the regulations allow sprawling subdivisions on cul de sacs up to 1000 feet each in length. That is the same as now allowed throughout Hillsborough County (where Tampa is) and is only 1/3 less than now allowed throughout Sarasota County.

All that is required is that a majority of the residences in each "neighborhood" of a Village be within ¼-mile "walking distance" of a "focal point". However, under the plan and the regulations, that "focal point" can be nothing more than a small park. The rest of the residences can be as far away as across 150 developed acres. (Commissioner Paul Mercier pointed out that 150 acres is about the size of an 18-hole golf course, which he deemed "walkable" by definition (although others reminded him of the golf cart).

There is no requirement at all for "walkability" to any other uses, such as the very small amount of retail contemplated. It could be many miles away, considering the 6,000-acre maximum Village size. Also, although the Sarasota 2050 plan requires that the commercial Village Center be "centrally designed", there is nothing that prevents it from being at the very edge of the Village, on a major road.

There also remains no required mix of residential and nonresidential uses, other than a minimum 50,000 square feet of nonresidential to serve up to 18,000 residences. Even that small amount of minimum nonresidential sparked the criticism of some Planning Commissioners and County Commissioners, who questioned whether that is "practical" and undermines the "flexibility" of developers.

Without real internal trip capture, the Village residents will drive onto the existing urban road network, severely congesting traffic beyond anything that the County has even begun to acknowledge.

The draft regulations also contain nothing requiring any real mix of housing types in the Villages nor any of the promised features of "neotraditional neighborhoods", such as alleys and porches or apartments over shops.

In the prototype Village modeled by the consultants and County planners on the Schroeder-Manatee Ranch, almost all of the required "Open Space" is provided by existing lakes, a development feature that serves for stormwater control and would be there anyway. There is virtually nothing to distinguish the so-called "Village" from a traditional large housing development.

Intensifying Urban Development Without Public Hearings

In the existing urban area, the people were promised that the more intense development allowed by Sarasota 2050 along US 41, Bee Ridge and Clark would come only after public hearings on area-specific corridor plans, in which the impacts on various sites would be controlled to protect abutting neighborhoods and other public interests. Indeed, the Sarasota 2050 amendment appears to require it.

That was a lie.

The proposed regulations provide for the "automatic" gutting of requirements for setbacks, height limits, parking, stormwater management, landscaping and other requirements, without any need for public hearings or public review. For example, the present requirement of a 20 to 100 foot setback from adjoining residences, with buffers, would be reduced to a bare five feet from a parking lot, without buffers, and buildings could be built right up to the roads, with no parking lot landscaping or stormwater controls.

At a June joint workshop on the regulations by the Planning Commission and County Commission,

Planning Commissioner John Fellin explained that he likes this because "the problem with going through the public hearing process rather than doing it as a matter of right is that the neighbors get frightened and don't realize that this is beneficial for them rather than harmful."

Amazingly, none of the other Commissioners expressed disagreement with Fellin or acted to require public hearings for the commercial intensifications. All the Commissioners agreed to do was consider scaling back somewhat the amount of reduced neighborhood setbacks that will be allowed as a "matter of right" to developers.

On the provisions exempting commercial developers along the major roads from providing adequate parking, the Commissioners seemed unconcerned with overflow parking into neighborhoods. Paul Mercier had a solution, though: "Maybe we can get people to take buses" to reduce the need for parking. Right.

Expanding Commercial Sprawl

Another proposal to allow "mixed use" centers with unlimited commercial development on thousands of acres now limited mainly to office parks (and surrounding housing) drew no concern from Commissioners.

Even though a consultant's projected graph showing that this includes 2,578 acres on 25 parcels now zoned only for housing at up to one unit per five acres (OUE-1) drew a surprised "Wow" from Commissioner Nora Patterson, no one proposed putting any reigns on this scheme for massive commercial overdevelopment throughout the County.

The consultants spent a lot of time on depictions of a Mixed Use Center which replaced a shopping center in Winter Park, without anyone pointing out that nothing in the regulations requires the desirable features of

that example. The consultant even proudly pointed out that as to the few regulations which are proposed, "It doesn't say shall," instead using the word "should" on order to provide the developer maximum "flexibility."

That sort of "flexibility" in other so-called "mixed uses" in Sarasota County and elsewhere has always led to extensive, uniform commercial development, as that is the most profitable land use for developers in the existing urban areas.

So, we are promised compact, mixed use, walkable developments and public hearing protections for neighborhoods and what do we get? Traditional urban sprawl, with drastically reduced timing controls and massive increases in densities and intensities of land use, and reduced neighborhood protections without public hearings.

The emperor has no clothes. The public should demand an end to the nudity.



We need the public interest to be served, not more pandering to developer "flexibility" which overwhelms our roads and destroys the integrity of our homes.

County Commissioner Jon Thaxton advises us that the process of considering the regulations is not over but is just beginning and that he will propose changes to address many of our concerns.

Please let your Planning Commissioners and County Commissioners hear from you before it is too late.



Its "Control Growth Now"

At the March 29 annual meeting of GEO, the Growth-restraint and Environmental Organization, members voted to change the organization's name to Control Growth Now. The amendment to the group's Articles of incorporation and Bylaws was approved by more than the required 2/3 vote.

The purpose of the change was to simplify our name in order to avoid confusion in the public and the press and to focus on our principal issue, although protection of the environment will remain a primary goal. Control Growth Now plans to use its catchy new name to campaign for increased membership in the coming year and to promote its agenda for reasonable controls and constraints on growth and development in Sarasota County.

Members also voted to increase annual dues from \$15 to \$20. While current memberships expire March 31, 2004, any new or renewing member who joins after December 1, 2003, will be current through March 31, 2005. Also at the annual meeting, GEO's Environmental Hero Award was presented to Drs. Mary and Allen Jelks, notable local conservationists.

Members Enjoy Picnic

On March 29, 2003, shortly before the annual meeting, members and guests of GEO (now Control Growth Now) gathered to enjoy a pot luck picnic at Oscar Scherer State Park. The group provided the main dish and park admission. The picnic is a tradition in odd-numbered years, with a luncheon banquet being held in even-numbered years in conjunction with the annual meeting.



Bits and Pieces

County Moves Wisely

Credit where credit is due: The Sarasota County Commission has responded to the public interest by turning down a large commercial expansion (which would have replaced zoning for affordable housing) on gridlocked Cattlemen Road south of Bee Ridge and by preserving, at least for now, a large parcel of public land east of I-75 which County staff had sought to sell to developers. Much credit goes to CONA, the Sarasota County Council of Neighborhood Associations for making the case for these good moves.

Hope For North Port

There is apparently hope for the North Port City Commission. By two decisions in early November, the Commission showed that they are not necessarily in the pocket of the clients of developer attorney Jeff Boone. First, Commissioners Lockhart, Gross and Berryman voted against granting a blank check to Stan Thomas in developing 8,000 acres under an independent special district, outvoting Commissioners Joe Fink and Vanessa Carusone. Then, the Commission unanimously voted to deny a developer's plans to convert a golf course into a subdivision. Look out for Fink. The pro-growth Democrat-turned-Republican has announced a challenge next year to County Commissioner Shannon Staub.



Control Growth Now Opposes Tax Hike

The Board of Directors of Control Growth now has voted to oppose a proposed tax hike to build a convention center on the bayfront and an arena on the fairgrounds, in Sarasota. The proposal, which is being pushed by certain business interests and Establishment figures, would hike the 3% sales tax on

rentals of 6 months or less to 5%, an increase of 67%! The tax hike would not only provide no benefit to most who would pay it (including poor people who often rent for shorter terms) but it would likely produce facilities demanding constant huge subsidies from the taxpayers.

Obit For Pine Street Extension?

County consultants have chosen an improvement of the exiting River Road as the route for the Englewood Interstate Connector. This passes over the proposed Pine Street Extension, which was opposed by GEO for many years as a boondoggle that opens up the former Taylor Ranch to development and destroy valuable wetlands and scrub jay habitat at huge tax payer expense. Sometimes it seems possible for reason to prevail.

Improving the Quality of Sarasota Bay

The Board of the Sarasota Bay National Estuary Program (which includes GEO Director Tom Price) has recommended the increased use of pervious pavement of parking lots, trails and paths to help clean up stormwater runoff into the bays. Pervious concrete is a porous concrete paving material which permits runoff to percolate through it rather than flood surrounding areas or storm drains. Pervious concrete will allow 3 to 6 gallons of water per square foot a minute to pass through it.

Pervious concrete has a high pollutant removal capability for both soluble and particulate pollutions. Pollutant removal can also be improved through routine vacuum sweeping and high pressure washing of our major intersections. Pervious concrete paving option is usually less expensive than other alternatives, because the parking lots double as the storm water management system.

Control Growth Now urges local governments to adopt ordinances mandating or encouraging the increased use of pervious pavement.



Citizens Seek Growth Control

A statewide petition drive has been launched to put voters in charge of the growth of their communities. Called "The Florida Hometown Democracy Amendment", the measure would require voter approval for any amendment to a local government's comprehensive land use plan.

It is a proposed amendment to the Florida Constitution. While an amendment to a land use plan would still require public hearings and approval by the city or county commission, it would not be effective until it is also approved by a majority of the citizens voting in a referendum.

The measure was started by two land use attorneys in Daytona Beach who became alarmed that local governments were freely approving land use amendments that created traffic congestion, tax hikes, school crowding, pollution and the other consequences of growth out of control.

If supporters obtain 49,000 valid signatures, the amendment will be reviewed by the Florida Supreme Court to clear it for the ballot. If about 500,000 signatures are obtained, it makes it onto the ballot. To date, about 31,000 signatures have been collected.

A copy of the amendment petition is enclosed in this newsletter. The Board of Directors of Control Growth Now has enthusiastically endorsed the amendment, as have many other groups around the state, including the statewide Sierra Club.

Members and other readers are encouraged to sign and mail in the petition, perhaps after making photocopies for spouses, friends and other supporters. Copies of the petition and other information may also be obtained online at www.floridahometowndemocracy.com.



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