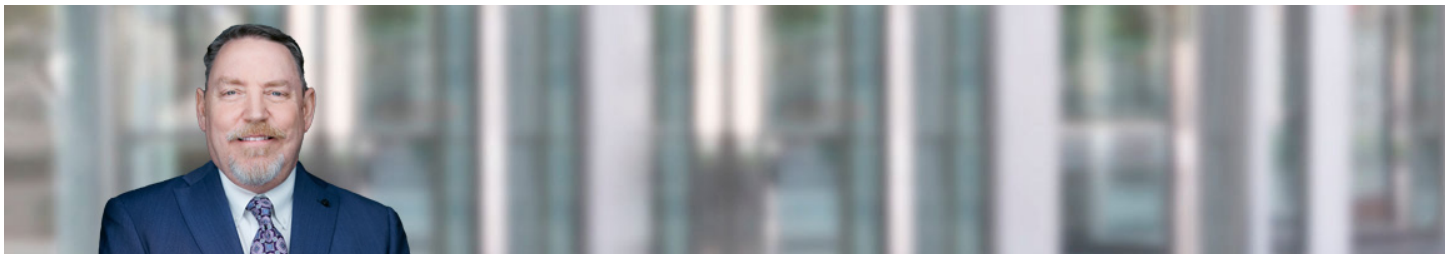


## Kenneth B. Metcalf, AICP



Non-Lawyer

Tallahassee Office

kmetcalf@stearnsweaver.com

Phone: 850-329-4848

### PRACTICE AREAS

Planning/GIS Services

Land Development

Land Use/Zoning

Environmental

Transportation

Ad Valorem Tax

Real Estate

Government & Administrative

### OVERVIEW

Kenneth B. Metcalf is the Firm's Director of Planning & Development Services. He is a certified land planner with over 36 years of professional planning experience in the public and private sector, including 16 years with the Florida Department of Community Affairs (FDCA) and ten years at the Tallahassee office of an international law firm. During his tenure with FDCA he was actively involved in formulating Department growth management strategies and in implementing all facets of administrative rulemaking, including drafting of rules, conducting workshops and serving as an expert witness on rule challenges on behalf of FDCA and the Administration Commission. Ken navigates clients through Florida's complex growth management and permitting arena, providing public and private sector clients with innovative solutions and planning strategies across a broad range of planning issues. His diverse practice ranges from planning and entitling some of Florida's largest New Town developments, to working at the neighborhood level on infill and redevelopment sites, including CRA projects. His services include planning and policy analysis related to all aspects of land use & development, as well as supporting technical services, such as transportation planning. Ken routinely negotiates with local, regional and state agencies on behalf of public and private sector clients.

Ken has served as an expert witness in more than 40 administrative and circuit court proceedings involving a variety of planning subjects, including urban and regional planning, comprehensive planning, Florida's growth management requirements, Developments of Regional Impact, Area of Critical State Concern Programs, Monroe County and Key West Comprehensive Plans and Land Development Regulations, aerial photograph interpretation and assessment of development impacts and rulemaking. Ken also provides expert witness services regarding land use and zoning to support valuation proceedings related to eminent domain, Ad Valorem and floodplain management.

He has also served as an adjunct instructor at Florida State University teaching graduate courses in growth management and infrastructure planning.

**Areas of Concentration**

- Comprehensive Planning/Land Development Regulations
- Developments of Regional Impact
- Areas of Critical State Concern
- State and Federal Permitting Programs
- Federal Coastal Consistency Program
- Legislation and Administrative Rulemaking
- Development Agreements
- Development Feasibility/Impact Analysis
- Compatibility Analysis
- Land Use Need/Urban Sprawl Evaluation
- Transportation Concurrency/Proportionate Share Agreements
- Impact Fee/Mobility Fee Agreements
- Transportation/Parking Studies
- Multi-modal Planning
- School Concurrency
- Emergency Management/Evacuation Modeling
- Coastal Planning/ Development Strategies
- Resiliency/Sea Level Rise Vulnerability Analysis
- Environmental Planning/Permitting
- Affordable Housing Programs and Development Strategies
- Redevelopment/Historic Preservation
- New Towns/Urban Villages/Mixed-use Development/Sustainability
- Sector Plans/Special Area Plans/Neighborhood Master Plans
- Rural Land Stewardship Planning
- Resort Planning/Entertainment Districts
- Special Use Planning (Campus Master Plans/Airports/Ports/Marinas)
- Age-Restricted Developments

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## REPRESENTATIVE EXPERIENCE

Florida Developments of Regional Impact

Berkshire Lakes DRI (Essentially Built Out Agreement), Collier County. Shopping Center project.

Bluewater Bay DRI (NOPC/Conversion of Golf Course), Okaloosa County. Suburban residential/multiuse.

Briger DRI (DRI Management), Palm Beach Gardens.

Cedar Creek DRI (ADA), Baker County. Suburban new town.

Centrepark DRI (NOPCs), West Palm Beach. Office development.

Chapel Trail DRI (Essentially Built Out Determination), Broward County.

Circle Square Ranch Vested DRI (Agreement/Management), Marion County. 5,000-unit mixed use development.

Destiny New City (Planned DRI), Osceola County. Urban mixed-use new city.

Emerald Lakes DRI, Walton County and Okaloosa County, Essentially Built Out Agreement. Suburban/multiuse/resort.

Fallschase Vested DRI (Vested Rights Agreement) Tallahassee. Suburban residential/multiuse.

Flagler Center (Due Diligence/Transaction), Jacksonville.

Florida Rhythm DRI (ADA), Washington County. Suburban residential.

Hammock Dunes DRI (NOPCs/Administrative Hearing), Flagler County. Resort project.

Hawks Cay DRI (NOPC/Land Use Conversion Agreement), Monroe County. Resort project.

Innovation Park (DRI Management/Land Use), Tallahassee. Technology park at Florida State University.

LTC Ranch DRI (Impact fee credit agreements), St. Lucie County/Port St. Lucie. Suburban residential/multiuse.

Miami Downtown DRI (Agreement). Miami.

Murdock Center (Due Diligence/Transaction), Charlotte County.

Nocatee DRI (Due Diligence/Transaction), St. Johns County, Suburban residential/multiuse.

Old Brick Township DRI (ADA), City of Palm Coast. Mixed use new town.

On Top of the World DRI (NOPCs/Agreements/DRI Management), Marion County. 32,400-unit age restricted development with non-residential uses.

PGA Resort/Verano DRI (NOPCs), Port St. Lucie. Suburban residential/multiuse development.

Portofino DRI (NOPCs), Miami Beach. Multifamily/resort project.

Prominence DRI (ADA), Walton County. Resort/residential.

Restoration DRI (Feasibility Analysis, Comprehensive Plan Amendment, Administrative Hearing), Edgewater. Mixed use new town.

Reunion DRI (Transportation Agreement), Osceola County. Resort project.

Sandestin DRI (NOPC/Vested Rights Compliance Agreement), Walton County. Resort project.

Seahaven DRI (ADA), Panama City Beach. Resort project.

Seascape DRI (NOPCs), Walton County. Resort project.

Southbend DRI (NOPC/Mitigation Agreement), Tampa. Suburban residential/multiuse.

Southeast Overtown DRI (Due Diligence/Transaction), Miami.

Sweetwater Ranch (Planned DRI), Hardee County. Mixed use new town.

The Reserve DRI (NOPCs), St. Lucie County. Suburban multiuse development.

Victoria Park DRI (NOPCs/Transportation Agreement), Deland. Suburban residential/mixed use.

Visions DRI (ADA), St. Lucie County. Urban mixed Use new town.

World Golf Village (Due Diligence/Transaction), St. Johns County.

## **Florida Resort/Marina Projects**

Banana Bay Resort, Key West. Prepared DRI vested rights modification analysis and supporting compliance analysis for development agreement to support redevelopment of resort.

Beachwalk Hotel, Hallandale. Supporting parking analysis for resort and drafted parking code amendment.

Boat House and Coral Lagoon Resort, Marathon. Supporting compliance analysis for development agreement to enable redevelopment and intensification of resort.

Bulow Creek Resort, Flagler County. Drafted PUD provisions and provided supporting analysis to address compliance with comprehensive plan.

Cypress Lakes Resort, Walton County. Supporting compatibility analysis and testified as expert in circuit court challenge.

Doral Country Club, Doral. Provided supporting needs and infrastructure analysis for redevelopment of Doral white golf course to a mixed-use, TND project.

Fallschase PUD, Tallahassee. Provided supporting analysis to renegotiate vested rights terms and consistency findings for project.

Faroblanco Resort, Marathon. Prepared DRI vested rights analysis and supporting compliance analysis for development agreement to expand mixed-use resort and marina.

Hampton Inn, Longboat Key. Compatibility analysis to support redevelopment of resort.

Indigo Reef, Marathon. Negotiation with City planning staff on conditional use approval for redevelopment of the former Key Lime Resort.

Lighthouse Pointe PUD, Flagler County. Resort style, mixed-use project with marina in Flagler County. Manatee protection analysis and related agency negotiations.

Limetree Bay Resort, Florida Keys. Prepared supporting analysis for boutique resort in Florida Keys to demonstrate compliance with comprehensive plan and code requirements. Supporting parking analysis and drafted parking code amendments.

Longboat Key Club Resort, Longboat Key. Strategic support for redevelopment of resort.

Multiple Resort Properties. Due diligence analysis of DRI requirements, comprehensive plan designation, zoning, and development entitlements for several properties in the City of Key West and unincorporated Monroe County for purposes of loan refinancing and/or acquisition.

Pompano Beach Hotel, Pompano Beach, Florida. Supporting parking analysis for resort and drafted parking code amendment.

Safe Harbor Resort, Florida Keys. Drafted plan amendment provisions and provided supporting analysis for mixed-use resort/marina project in the Florida Keys.

Stark Ranch Equestrian Resort, St. Lucie County. Drafted mixed-use resort land use category with performance-based density bonus system.

Tidelands Marina Resort, City of Palm Coast. Residential PUD with marina in the City of Palm Coast. Manatee protection analysis and related agency negotiations.

Town of Marineland. Drafted plan amendments and provided supporting analysis for New Town/resort land use category.

Tranquility Bay, Marathon. Supporting compliance analysis for development agreement to enable redevelopment and intensification of resort.

### **Florida Public/Quasi-Public Planning Projects**

Calhoun County, Florida. On behalf of developer, drafted land use category to allow for mixed-use resort and greenway corridor preservation designation.

Charlotte County. Drafted revised policies to support negotiated settlement of compliance challenge to EAR-based comprehensive plan amendments.

Destin, Florida. On behalf of developer, provided entitlement analysis for major development within CRA and assisted in negotiating settlement between DCA and City of Destin regarding MMTD plan amendments.

Dunnellon, Florida. Evaluation and Appraisal Report, EAR-based Comprehensive Plan Amendments, Land Development Code Update, Economic Development web update, Historic District Enhancement Plan.

Edgewater, Florida. Prepared population projections, land use needs analysis and other planning studies to support comprehensive plan amendments for Restoration DRI development. Testified in administrative hearing as expert witness.

Haines City, Florida. Contract for planning services to revise population projections, prepare supporting analysis and modify policies for Special Area Plan amendments, prepare supporting analysis for Water Supply Plan amendments, and negotiate compliance with DCA.

Hardee County, Florida. On behalf of developer, drafted New Town land use category for 13,000 unit New Town development based on traditional neighborhood development principles.

Jacksonville Beach, Florida. Sea level rise modeling, risk assessment and Peril of Flood Comprehensive Plan amendment.

Key West, Florida. Contract for planning services to assist City in evaluating and applying Florida Keys Hurricane Evacuation Model to determine future allocations for comprehensive plan update.

Laurel Hill, Florida. EAR-based Comprehensive Plan Amendments, Land Development Code Update/Economic.

Leon County Research and Development Authority. Contract for planning services to evaluate long term development feasibility of Innovation Park (high-tech research park) and analyze options for addressing compliance with DRI program requirements pursuant to §380.06, F.S.

Marineland. On behalf of developer, drafted plan amendments and negotiated with state to allow for a traditional neighborhood development, mixed-use resort project.

Monroe County, Florida. Contract for planning services to assist Monroe County in addressing affordable housing needs, hurricane evacuation modeling and related negotiations with the Department of Community Affairs.

New Smyrna, Florida. On behalf of developer, drafted plan amendment provisions and provided supporting analysis to establish long term concurrency system.

Osceola County, Florida. On behalf of developer, worked with Osceola County Smart Growth Director to draft Overlay to allow for area wide planning approach for New City and related Purchasable Development Rights Program.

Port Orange, Florida. On behalf of developer, drafted TCEA amendment language and led negotiations with the Department of Community Affairs.

Port St. Lucie, Florida. On behalf of developer, drafted plan amendments and supporting analysis for Lighthouse Point mixed resort and required conversion of industrial land use to mixed-use land use designation.

St. Marks, Florida. Sea level rise modeling, risk assessment and Peril of Flood Comprehensive Plan amendment.

Volusia County, Florida. Farmton Comprehensive Plan Amendments. On behalf of developer, prepared supporting population projections, land use needs analysis and other planning studies for 50,000 acre development proposal for mixed-use development. Testified in administrative hearing as expert witness.

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## PROFESSIONAL & COMMUNITY INVOLVEMENT

American Planning Association (APA), Florida Chapter, Legislative Affairs Committee, 2016-2020

Urban Land Institute (ULI), Urban Plan Volunteer Facilitator/Mentor

American Institute of Certified Planners (AICP)

Association of Florida Community Developers, Inc. (AFCD)

Phi Kappa Phi National Honor Society

Fort Braden Elementary School, Volunteer

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## RECOGNITION

Legal 500 United States, 2008, Listed

Florida American Planning Association "Excellence in Planning" Award Recipient for co-authoring Ocala Historic Preservation Element

Edward McClure Award for Academic Excellence

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## PUBLICATIONS & PRESENTATIONS

**Land Development News Update, Publications: Hurricanes, Flash Floods, and Tornadoes – Development Permit Extension Opportunities Are Now Available**

**Events: [The Evolution of Transportation, Infrastructure, and Resiliency Efforts](#)**

38th Annual Environmental Permitting Summer School || July 2024

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**Government Affairs News Update, Land Development News Update, Publications: [What's Developing | Winter 2024](#)**

Stearns Weaver Miller News Update | January 2024

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**Events: [The Evolution of Transportation, Infrastructure, and Resiliency Efforts](#)**

37th Annual Environmental Permitting Summer School || July 2023

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**Events: [Improving Coastal Residency in Response to the Threats of Sea Level Rise and Climate Change - Part II](#)**

36th Annual Environmental Permitting Summer School || July 2022

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**Events: [Emerging Trend in Transportation: How Do We Get There from Here?](#)**

36th Annual Environmental Permitting Summer School || July 2022

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**Land Development News Update, Publications: [Spring Brings an End to Freezing Temperatures— and an Opportunity to Extend Your Development Permits](#)**

Stearns Weaver Miller News Update | April 2022

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**Government & Administrative News Update, Land Development News Update, Publications: [City of Tallahassee Proposes “Glitch” Revisions to Land Development Code](#)**

Stearns Weaver Miller News Update | September 2021

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**Events: [Improving Coastal Resiliency In Response To The Threats Of Sea Level Rise And Climate Change](#)**

35th Annual Environmental Permitting Summer School || July 2021

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**Events: [Emerging Trends In Transportation: How Do We Get There From Here?](#)**

35th Annual Environmental Permitting Summer School || July 2021

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**Government Affairs News Update, Land Development News Update, Publications: [COVID-19 State of Emergency Lapses: Extend Your Permits NOW](#)**

Stearns Weaver Miller News Update | July 2021

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**Land Development News Update, Publications: [Tolling and Extension Benefits Available for Pandemic Emergency Declarations](#)**

Stearns Weaver Miller News Update | July 2020

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**Land Development News Update, Publications: [Governor DeSantis Terminates Emergency Declaration for 43 Counties Starting 90-Day Clock for Important Notice Letters](#)**

Stearns Weaver Miller News Update | October 2019

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**Events: [Planning for Sea Level Rise and the Peril of Flood from the Local, Regional, and State Perspective](#)**

American Planning Association Florida Annual Conference || September 2019

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**Events: [Emerging Trends In Transportation Planning and Infrastructure: How Do We Get There From Here?](#)**

**Land Development News Update, Publications: [Important Land Development and Environmental Issues Following Florida's 2019 Legislative Session](#)**

Stearns Weaver Miller News Update | July 2019

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**Land Development News Update, Publications: [Opportunities Ahead as Florida Prepares for Three New Tollways](#)**

Stearns Weaver Miller News Update | May 2019

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**Land Development News Update, Publications: [What's Developing | Spring 2019](#)**

Stearns Weaver Miller News Update | April 2019

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**Land Development News Update, Publications: [Why Developers and Landowners Should Engage in the U.S. Census Bureau's Designation of Places and Census Tracts Over the Next Three Months](#)**

Stearns Weaver Miller News Update | February 2019

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**Land Development News Update, Publications: [Act Now to Secure Tolling and Extension Benefits Related to Hurricanes, Algal Blooms and Red Tide Emergency Declarations](#)**

Stearns Weaver Miller News Update | January 2019

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**Events: [Transportation Planning: How Do We Get There From Here?](#)**

Florida Chamber's Environmental Permitting Summer School | July 2018

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**Land Development News Update, Publications: [Important Land Development and Environmental Issues Following Florida's 2018 Legislative Session](#)**

Stearns Weaver Miller News Update | April 2018

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**Land Development News Update, Publications: [Back to Local Control Over Growth Management: HB 1151 Eliminates State and Regional Review Requirements for Existing Developments of Regional Impact \(DRI\) and Other Large Projects in Florida](#)**

Stearns Weaver Miller News Update | April 2018

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**Land Development News Update, Publications: [Important Land Development and Environmental Issues Following Florida's 2018 Legislative Session](#)**

Stearns Weaver Miller News Update | March 2018

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**Land Development News Update, Publications: [Opportunities for Permit Extensions Available - But Claiming Them Not Always Straightforward](#)**

Stearns Weaver Miller News Update | January 2018

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**Land Development News Update, Publications: [What's Developing | Fall 2017](#)**

Stearns Weaver Miller Update | December 2017

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**Land Development News Update, Publications: [How Are Your Permits Affected by Hurricane Irma?](#)**

Stearns Weaver Miller News Update | September 2017

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**Land Development News Update, Publications: [What's Developing | Summer 2017](#)**



Stearns Weaver Miller News Update | September 2017

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**Land Development News Update, Publications: [State of Emergency for Tropical Storm Emily Presents Another Opportunity to Extend Permits, As Previous Opportunity Comes to a Close](#)**

Stearns Weaver Miller News Update | August 2017

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**Events: [Transportation Planning - How Do We Get There From Here?](#)**

Florida Chamber's 31st Annual Environmental Permitting Summer School | | July 2017

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**Land Development News Update, Publications: [Important Land Development and Environmental Issues Following Florida's 2017 Legislative Session](#)**

Stearns Weaver Miller News Update | July 2017

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**Land Development News Update, Publications: [Executive Orders Present Opportunities to Extend the Duration of Qualified Development Permits Across Florida](#)**

Stearns Weaver Miller News Update | October 2016

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**Events: [Transportation Planning - How Do We Get There From Here?](#)**

Florida Chamber's 30th Annual Environmental Permitting Summer School | | July 2016

---

**Land Development News Update, Publications: [Executive Orders Present Opportunities to Extend Development Permits in 36 Florida Counties](#)**

Stearns Weaver Miller News Update | July 2016

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**Land Development News Update, Publications: [Governor's Executive Orders Present Opportunities To Extend Expiration Of Development Permits](#)**

Stearns Weaver Miller News Update | September 2015

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## NEWSROOM

**Firm Announcements, Land Development News Update: [Stearns Weaver Miller Launches Executive Order Permit Extension Tool For Tracking States Of Emergency](#)**

| May 2017

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**Firm Announcements: [Stearns Weaver Miller Acquires Premier Land Development, Environmental & Government Affairs Duo](#)**

| September 2014

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## EDUCATION

M.S., *summa cum laude*, Urban and Regional Planning, Florida State University, 2002

B.A., University of South Florida, 1985

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## CERTIFICATIONS

