

AGENDA MATERIALS

CYCLE 2012-1
COMPREHENSIVE PLAN AMENDMENT
ADOPTION HEARING

For
**THE RESERVE AT STONY CREEK PROJECT
(PCM120102)**

PUBLIC HEARING CONTINUED FROM THE
ORIGINAL HEARING DATE OF JUNE 26, 2012

Joint Hearing of the Tallahassee City Commission
and the
Leon County Board of Commissioners

Wednesday, October 24, 2012, 6PM
City of Tallahassee Commission Chambers
City Hall

MEMORANDUM

TO: Members of the Leon County Board of County Commissioners
Members of the City Commission

FROM: Brian Wiebler, Senior Planner

DATE: October 2, 2012

SUBJECT: Materials for October 24th Adoption Hearing Continued from the June 26th Hearing

On June 26, 2012 the City and County Commissions both voted to continue the joint adoption public hearing for the proposed Reserve at Stony Creek Amendment (PCM120102) to October 24, 2012 in City Hall. The adoption hearing was continued to provide the time necessary to complete a development agreement to minimize potential impacts to the adjacent residential neighborhood.

The applicants and the City of Tallahassee have drafted a development agreement and the first of two public hearings for the agreement was held on September 19, 2012. The Agenda Item and Draft Development Agreement are included at Attachment #5.

On October 24, 2012 three separate actions will be considered relating to the Reserve at Stony Creek project located at the intersection of Fred George Road and Old Bainbridge Road.

1. Hold the second and final public hearing for the proposed **Development Agreement** and vote on potential approval (City Action Only- Final Agenda Item to be provided in BoardDocs).
2. Hold the public hearing for the proposed **Comprehensive Plan amendment** to change the Future Land Use Map designation on 15.7 acres from "Residential Preservation" to "Urban Residential" and vote on potential adoption (Joint City-County Action- Ordinances included in this package).
3. Hold the first and only public hearing on the implementing **rezoning** from the Residential Preservation-2 District (RP-2) to the Urban Residential District (R-4) and vote on potential adoption (City Action Only- Agenda Item and Ordinance included in this package).

Attached for your consideration are:

Attachment #1: Amendment as Recommended for Adoption

Attachment #2: City Adoption Ordinance

Attachment #3: County Adoption Ordinance

Attachment #4: June 15, 2012 Staff Report for Reserve at Stony Creek Project

Attachment #5: September 19, 2012 Agenda Item on the Proposed Development Agreement.

Attachment #6: City Commission Rezoning Agenda Item

If you have any questions, please contact me at (850) 891-6400.

cc: Anita Favors-Thompson
Jay Townsend
Jim English
Linda Hudson
Matt Lutz
Nickcole Caldwell

Vince Long
Allen Rosenzweig
Herb Thiele
Laura Youmans
Christine Coble
Rebecca Vause

ATTACHMENT #1

AMENDMENT AS RECOMMENDED
FOR ADOPTION

Map Amendment PCM120102

15.7 Acres (*Reduced from 20.3 acres*)

From: Residential Preservation

To: Urban Residential

Staff Recommendation:

Staff recommends approval subject to a development agreement that would address noise, light, visual buffering and access issues to minimize impacts to the adjacent residential neighborhood. If the development agreement cannot be finalized prior to the adoption hearing, then recommendation would be for denial.

Local Planning Agency:

Denial

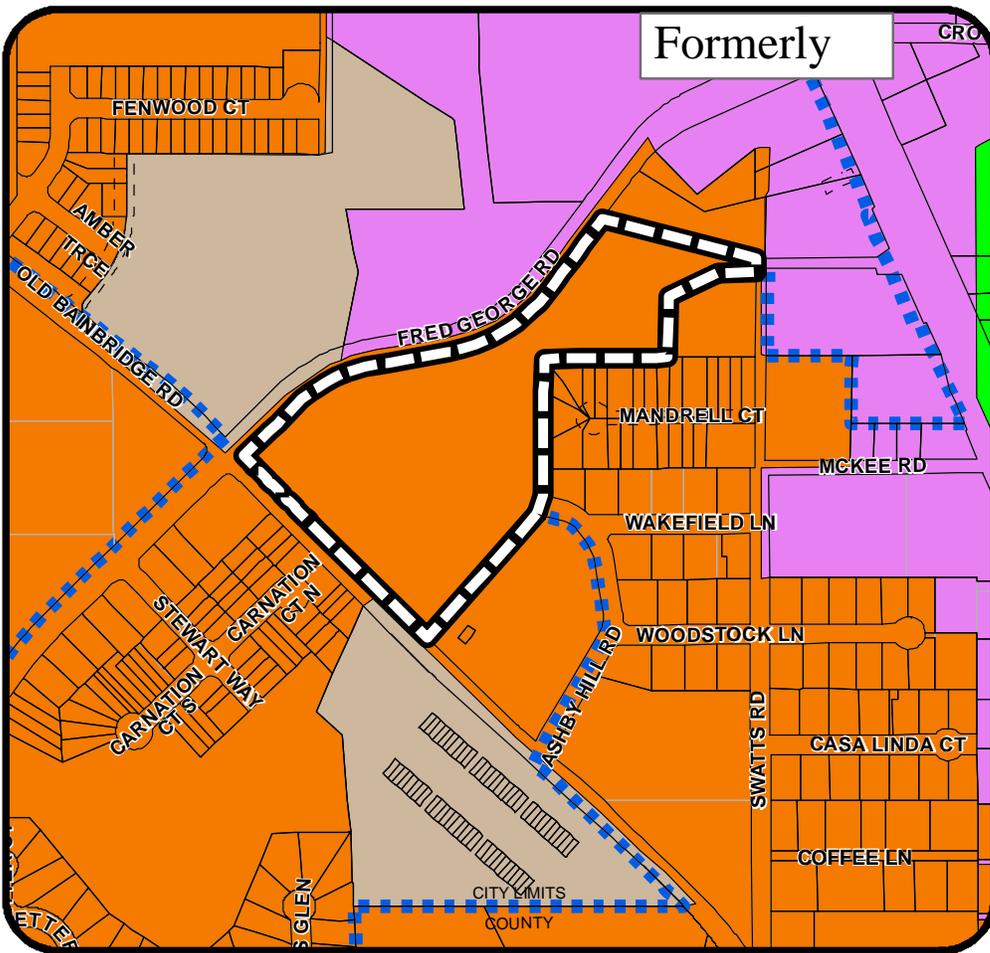
City Commission:

Approval with a Development Agreement

Board of County Commissioners:

Approval with a Development Agreement

Formerly



Future Land Use

Legend

-  Lake Protection
-  Residential Preservation
-  Suburban
-  Urban Residential
-  Urban Residential 2



Subject Parcel

AMENDMENT PCM120102 LOCATION

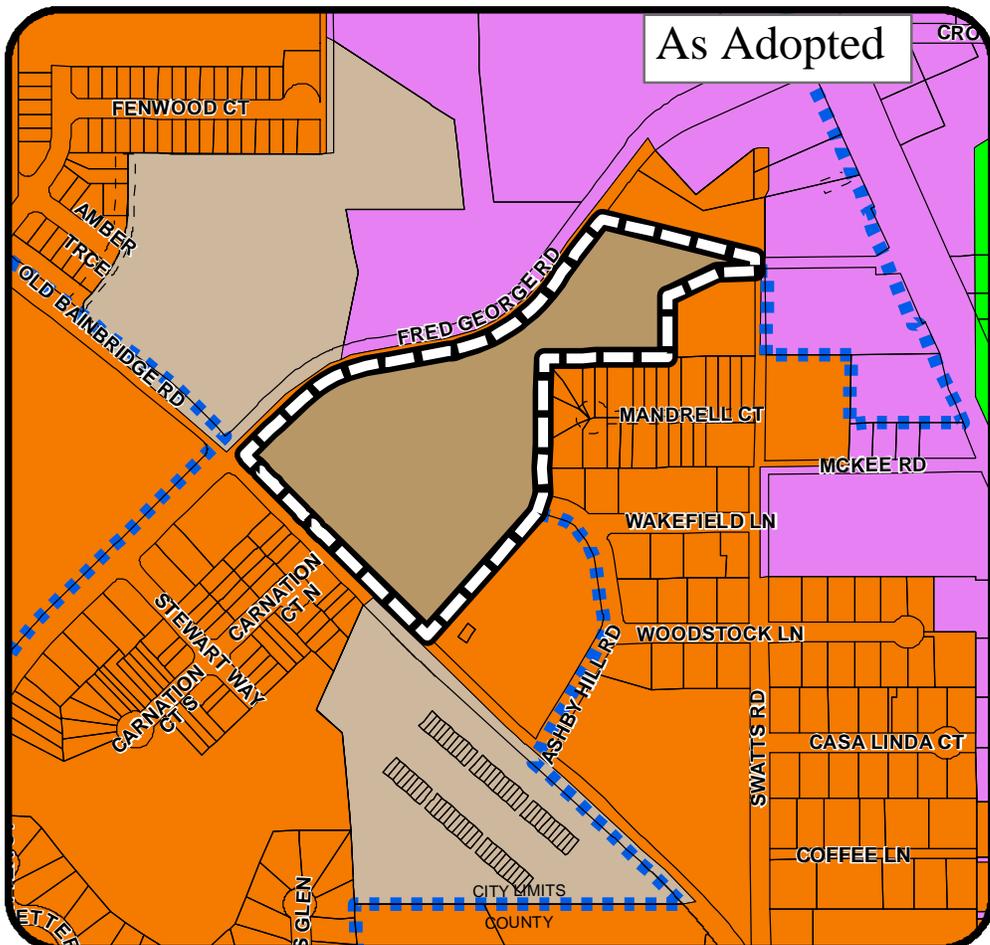
Formerly
Residential Preservation

As Adopted
Urban Residential

SITE TAX ID:
21-09-20-001-0000

ACRES: 15.7 ±

As Adopted



ATTACHMENT #2

City Adoption Ordinance

ORDINANCE NO. 12-O-35

**AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING
AMENDMENT PCM 120102 TO THE 2030 TALLAHASSEE/LEON
COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY
AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Chapters 163 and 166, Florida Statutes, empower the City Commission of the City of Tallahassee to prepare and enforce comprehensive plans for the development of the City; and,

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empower and require the City Commission of the City of Tallahassee to (a) plan for the City's future development and growth; (b) adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; (c) implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations; and (d) establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of the Act; and,

WHEREAS, Ordinance No. 90-O-0076 was enacted on July 16, 1990, to adopt the Tallahassee-Leon County 2010 Comprehensive Plan for the incorporated area of Tallahassee. Leon County also adopted a plan for the unincorporated area of Leon County by separate ordinance; and,

WHEREAS, the horizon year for the Tallahassee-Leon County Comprehensive Plan is now 2030 and the Comprehensive Plan is now known as the Tallahassee-Leon County 2030 Comprehensive Plan pursuant to the latest Evaluation and Appraisal Report; and

1 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City
2 Commission of the City of Tallahassee has held several public work sessions, public
3 meetings and several public hearings with due public notice having been provided, on
4 this amendment to the Comprehensive Plan; and,

5 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City
6 Commission of the City of Tallahassee transmitted copies of the proposed amendment
7 of the comprehensive plan to the Department of Community Affairs as the State Land
8 Planning Agency and other state and regional agencies for written comment, and
9 transmitted one (1) copy to each of the local government or governmental agencies in
10 the State of Florida having filed with the City of Tallahassee a request for a copy of the
11 amended version of the comprehensive plan; and,

12 WHEREAS, the Department of Community Affairs transmitted its Objections,
13 Recommendations, and Comments Report on the amended version of the
14 comprehensive plan; and,

15 WHEREAS, the amendment to the comprehensive plan was reviewed in view of
16 the Objections, Recommendations, and Comments Report by the Department of
17 Community Affairs; and,

18 WHEREAS, pursuant to Section 163.3184, Florida Statutes, on June 26, 2012,
19 the City Commission of the City of Tallahassee held a public hearing with due public
20 notice having been provided on this amendment to the comprehensive plan and
21 continued this comprehensive plan amendment to October 24, 2012; and,

22 WHEREAS, pursuant to Section 163.3184, Florida Statutes, on October 24,
23 2012, the City Commission of the City of Tallahassee held a public hearing with due
24 public notice having been provided on this amendment to the comprehensive plan;
25 and

1 WHEREAS, the City Commission of the City of Tallahassee further considered
2 all oral and written comments received during such public hearing, including the data
3 collection and analyses packages, the recommendations of the Planning Commission,
4 and the Objections, Recommendations, and Comments Report of the Department of
5 Community Affairs; and,

6 WHEREAS, in exercise of its authority, the City Commission of the City of
7 Tallahassee has determined it necessary and desirable to adopt this amendment to
8 the comprehensive plan to preserve and enhance present advantages; encourage the
9 most appropriate use of land, water and resources, consistent with the public
10 interest; overcome present handicaps; and deal effectively with future problems that
11 may result from the use and development of land within the City of Tallahassee, and
12 to meet all requirements of law.

13 NOW THEREFORE, BE IT ENACTED by the People of the City of Tallahassee,
14 Florida, as follows, that:

15 **Section 1. Purpose and Intent.**

16 This ordinance is hereby enacted to carry out the purpose and intent of, and
17 exercise the authority set out in, the Local Government Comprehensive Planning and
18 Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida
19 Statutes, as amended.

20 **Section 2. Map Amendment.**

21 The ordinance does hereby adopt the following portion of the text attached
22 hereto as Exhibit "A," and made a part hereof, as an amendment to the Tallahassee-
23 Leon County 2030 Comprehensive Plan, as amended, and does hereby amend "The
24 Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance
25 therewith, being an amendment to the following Plan element:

1 Map Amendment PCM120102, which relates to the Future Land Use Map.

2 **Section 3. Conflict With Other Ordinances and Codes.**

3 All ordinances or parts of ordinances of the Code of Ordinances of the City of
4 Tallahassee, Florida, in conflict with the provisions of this ordinance are hereby
5 repealed to the extent of such conflict.

6 **Section 4. Severability.**

7 If any provision or portion of this ordinance is declared by any court of
8 competent jurisdiction to be void, unconstitutional, or unenforceable, then all
9 remaining provisions and portions of this Ordinance shall remain in full force and
10 effect.

11 **Section 13. Copy on File.**

12 To make the Tallahassee-Leon County 2030 Comprehensive Plan available to
13 the public, a certified copy of the enacting ordinance, as well as certified copies of the
14 Tallahassee-Leon 2030 Comprehensive Plan and this amendment thereto, shall also
15 be located in the Tallahassee-Leon County Planning Department. The Planning
16 Director shall also make copies available to the public for a reasonable publication
17 charge.

18 **Section 14. Effective Date.**

19 The effective date of this Plan amendment shall be according to law and the
20 applicable statutes and regulations pertaining thereto.

21 INTRODUCED in the City Commission on the 10th day of August, 2012.

22 PASSED by the City Commission on the 24^h day of October, 2012.

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CITY OF TALLAHASSEE

By: _____

John R. Marks, III
Mayor

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ATTEST:

APPROVED AS TO FORM

By: _____
James O. Cooke, IV
City Treasurer-Clerk

By: _____
James R. English
City Attorney

ATTACHMENT #3

County Adoption Ordinance

1 having been provided, to obtain public comment, and has considered all written and oral
2 comments received during said work sessions, public meetings and public hearings; and

3 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County
4 Commissioners of the County of Leon transmitted copies of the proposed amendments of the
5 comprehensive plan to the Department of Community Affairs as the State Land Planning Agency
6 and other state and regional agencies for written comment, and transmitted one copy to each of
7 the local government or governmental agencies in the State of Florida having filed with the
8 County of Leon a request for a copy of the amended version of the comprehensive plan; and

9 WHEREAS, the Department of Community Affairs transmitted its Objections,
10 Recommendations, and Comments Report on the amended version of the comprehensive plan;
11 and

12 WHEREAS, the amendments to the comprehensive plan were reviewed in view of the
13 Objections, Recommendations, and Comments Report by the Department of Community Affairs;
14 and

15 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County
16 Commissioners of the County of Leon held a public hearing with due public notice having been
17 provided on these amendments to the comprehensive plan; and

18 WHEREAS, the Board of County Commissioners of the County of Leon further
19 considered all oral and written comments received during such public hearing, including the data
20 collection and analyses packages, the recommendations of the Tallahassee-Leon County Local
21 Planning Agency, and the Objections, Recommendations, and Comments Report of the
22 Department of Community Affairs; and

23 WHEREAS, in exercise of its authority, the Board of County Commissioners of the
24 County of Leon has determined it necessary and desirable to adopt these amendments to the
25 comprehensive plan to preserve and enhance present advantages; encourage the most appropriate

1 use of land, water and resources, consistent with the public interest; overcome present handicaps;
2 and deal effectively with future problems that may result from the use and development of land
3 within Leon County, and to meet all requirements of law;

4 BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,
5 that:

6 **Section 1. Purpose and Intent.**

7 This Ordinance is hereby enacted to carry out the purpose and intent of, and exercise the
8 authority set out in, the Local Government Comprehensive Planning and Land Development
9 Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, as amended.

10 **Section 2. Map Amendment.**

11
12 The Ordinance does hereby adopt the following portion of the text attached hereto as
13 Exhibit “A,” and made a part hereof, as an amendment to the Tallahassee-Leon County 2030
14 Comprehensive Plan, as amended, and does hereby amend “The Tallahassee-Leon County 2030
15 Comprehensive Plan,” as amended, in accordance therewith, being an amendment to the
16 following Plan element:

17 Map Amendment PCM120102, which relates to the Future Land Use Map.

18

19 **Section 3. Applicability and Effect.**

20 The applicability and effect of this update to the 2030 Comprehensive Plan shall be as
21 provided by the Local Government Comprehensive Planning and Land Development Regulation
22 Act, Sections 163.3161 through 163.3215, Florida Statutes, this Ordinance, and shall apply to all
23 properties under the jurisdiction of Leon County.

24 **Section 4. Conflict with Other Ordinances and Codes.**

25 All ordinances or parts of ordinances of the Code of Laws of Leon County, Florida, in
26 conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

27 **Section 5. Severability.**

1 If any provision or portion of this Ordinance is declared by any court of competent
2 jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and
3 portions of this Ordinance shall remain in full force and effect.

4 **Section 6. Copy on File.**

5 To make the Tallahassee-Leon County 2030 Comprehensive Plan available to the public,
6 a certified copy of the enacting ordinance, as well as certified copies of the Tallahassee-Leon
7 County 2030 Comprehensive Plan and these updates thereto, shall also be located in the
8 Tallahassee-Leon County Planning Department. The Planning Director shall also make copies
9 available to the public for a reasonable publication charge.

10 **Section 7. Effective Date.**

11 The effective date of this Plan update shall be according to law and the applicable statutes
12 and regulations pertaining thereto.

13 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
14 County, Florida, this _____ day of _____, 2012.

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LEON COUNTY, FLORIDA

BY: _____
AKIN S. AKINYEMI, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:
BOB INZER, CLERK OF THE COURT

BY: _____
CLERK

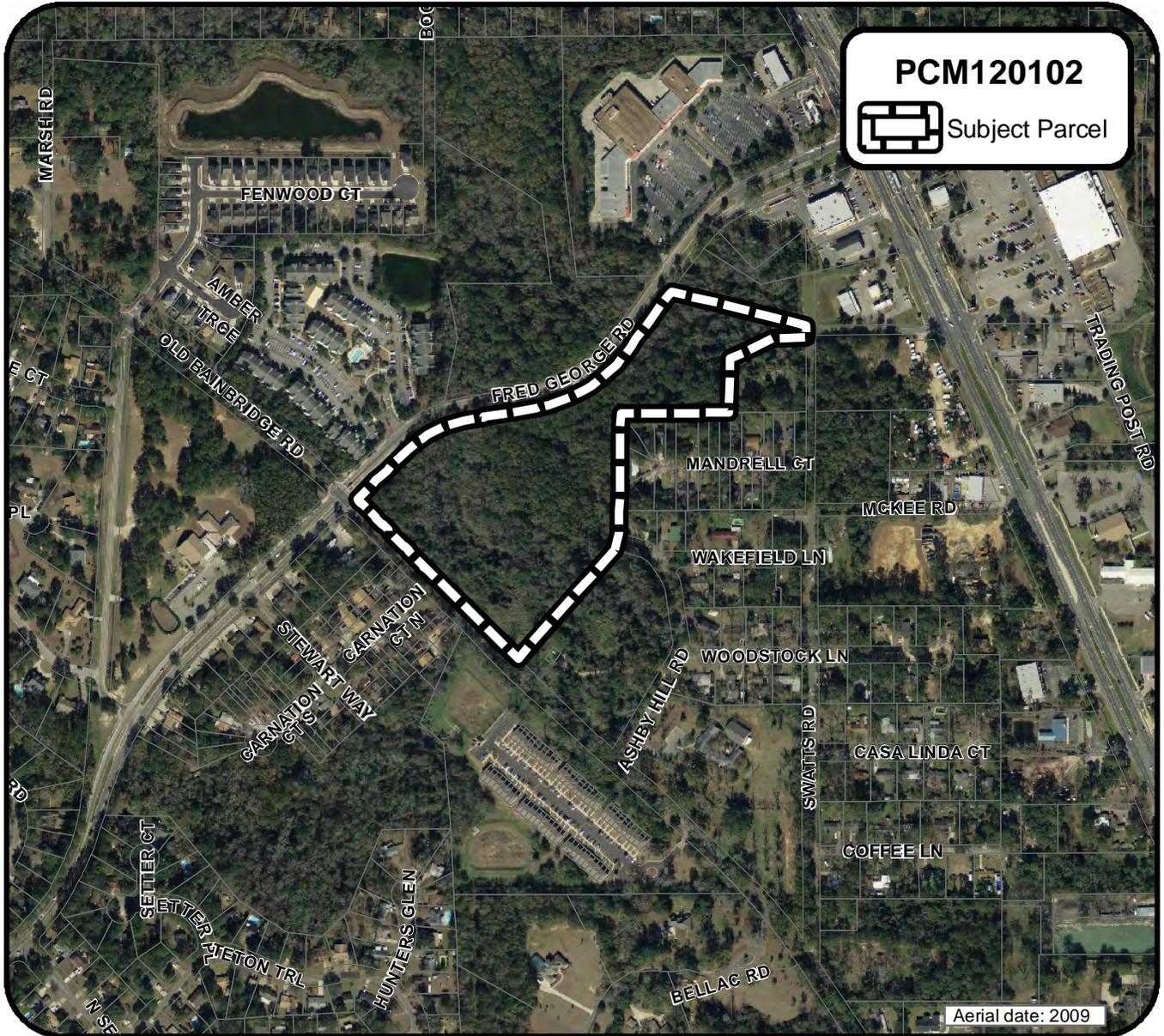
1 APPROVED AS TO FORM:
2 COUNTY ATTORNEY'S OFFICE
3 LEON COUNTY, FLORIDA

4
5

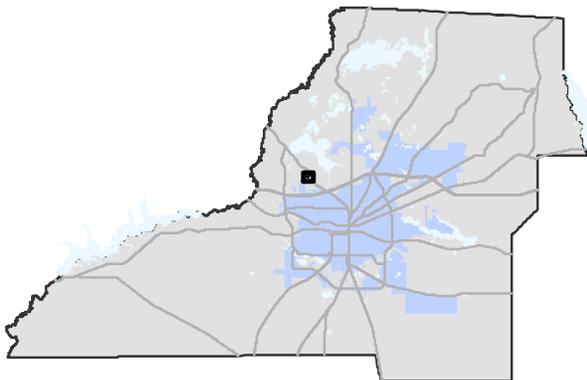
6 BY: _____
7 HERBERT W.A. THIELE, ESQ.
8 COUNTY ATTORNEY

ATTACHMENT #4

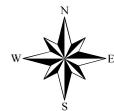
June 15, 2012 Staff Report for Reserve at
Stony Creek Project



General Location Map

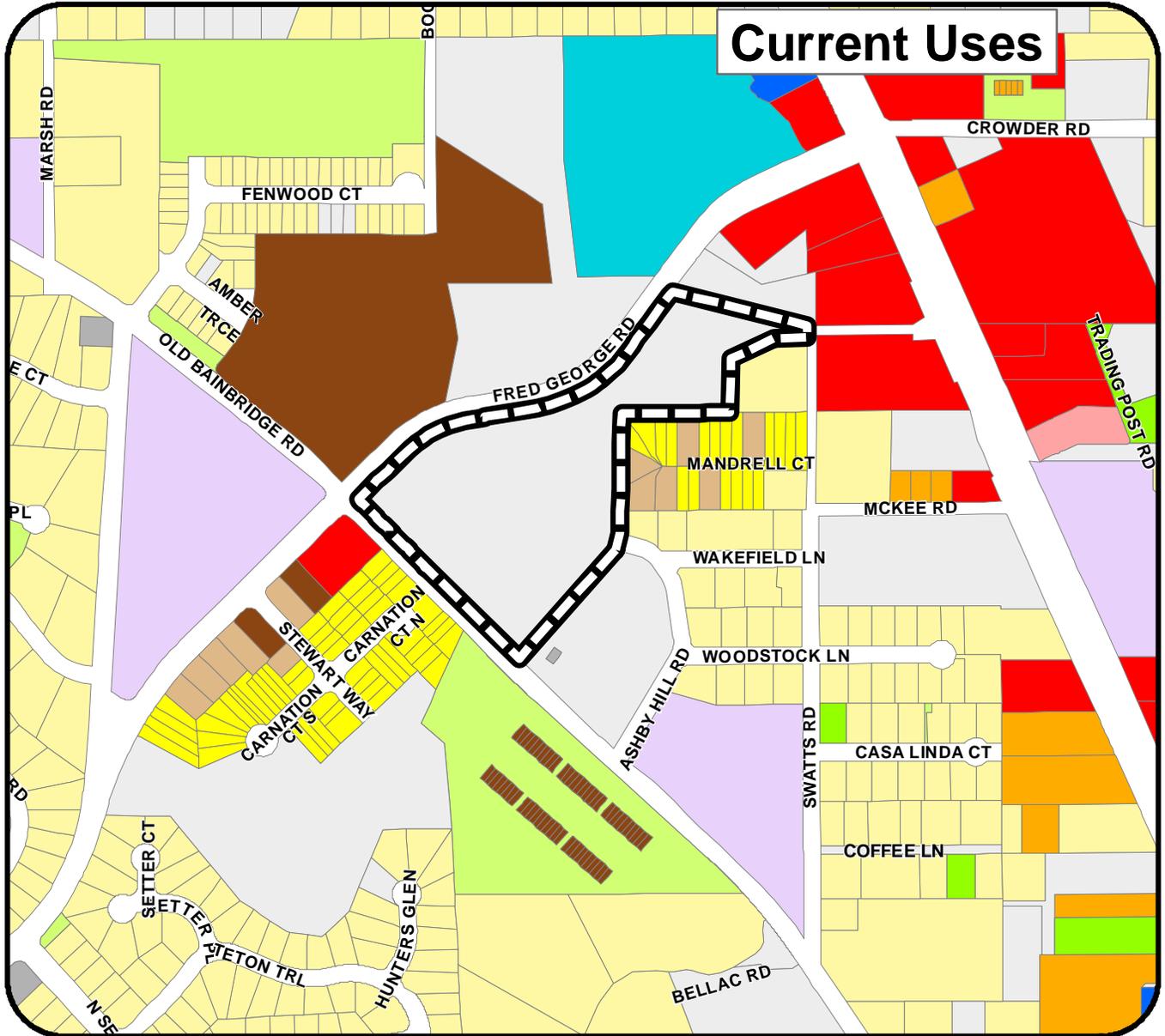


AMENDMENT PCM120102 LOCATION



SITE TAX ID:
21-09-20-001-0000

ACRES: 15.7 ±



Legend



Current Uses (Oct. 2011)

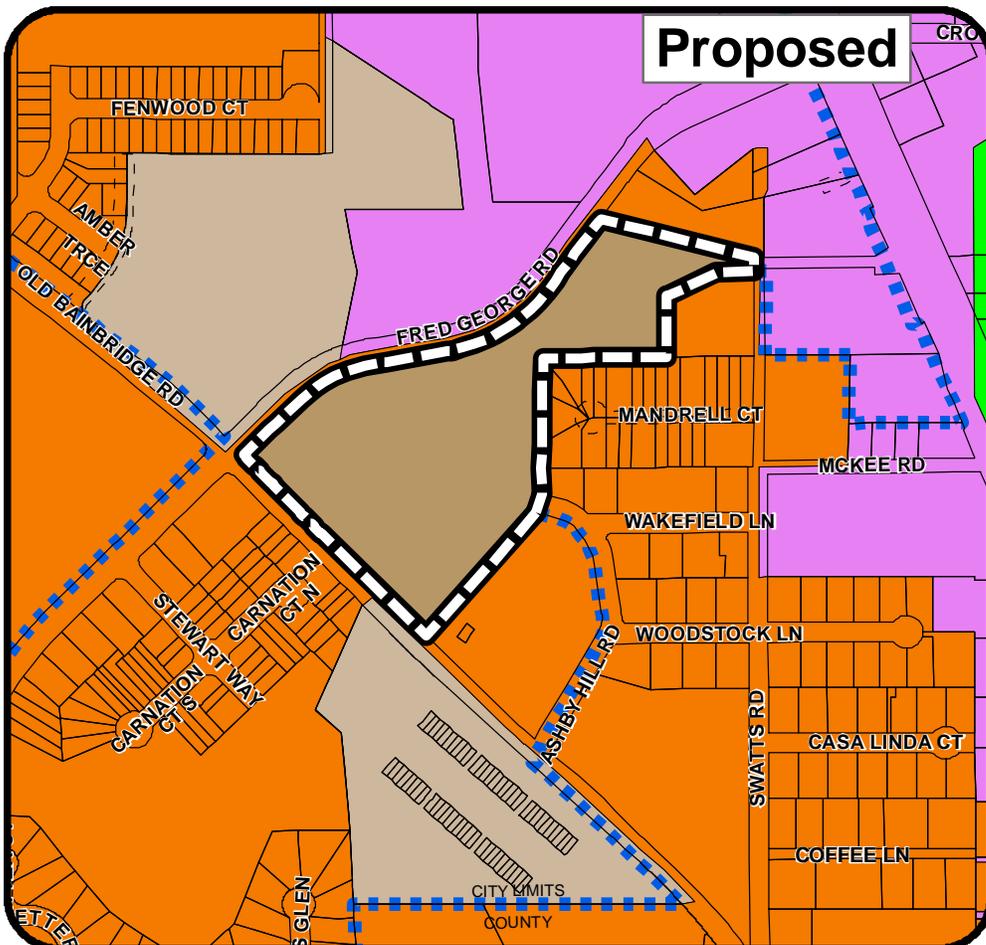
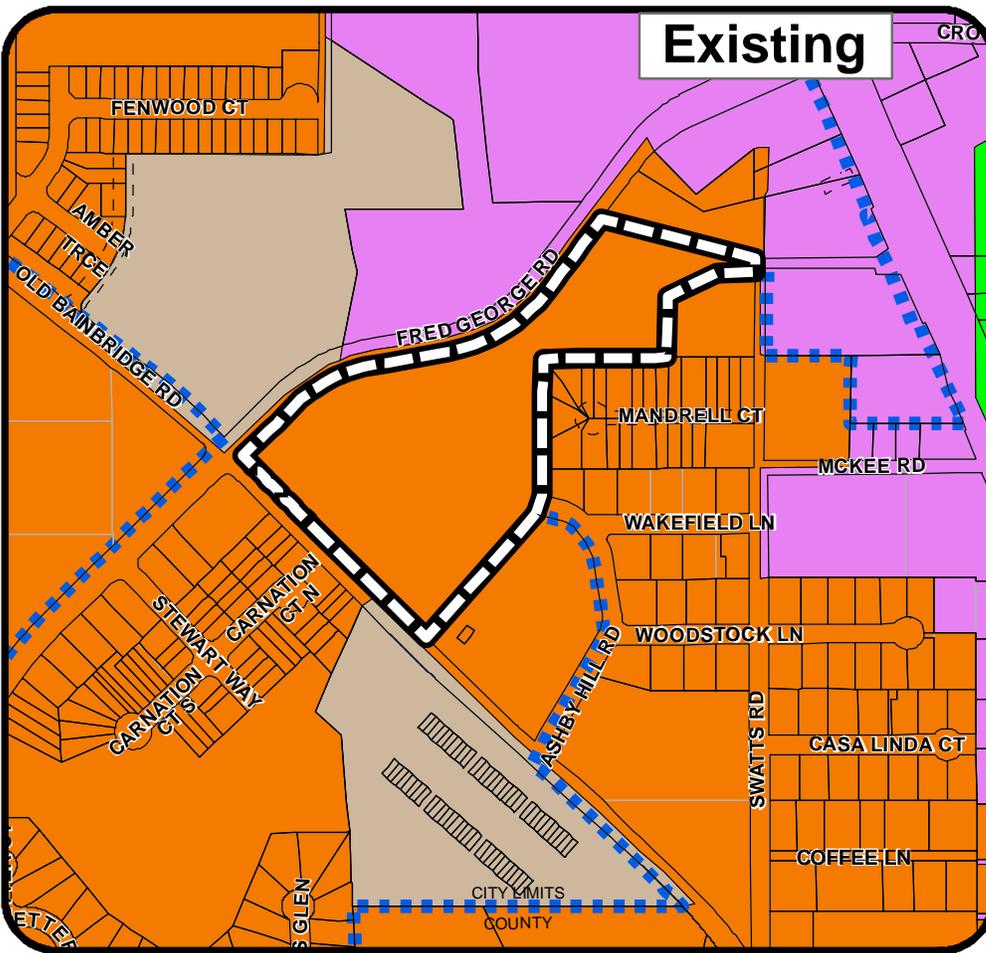
- | | |
|------------------------------------|---|
| Single Family Detached/Mobile Home | Religious/Non-profit |
| Single Family Attached | Government Operation |
| Two-Family Dwelling | School |
| Multi-Family | Open Space Common Areas |
| Motel/Hospital/Clinic | Open Space Resource Protection |
| Retail | Transportation/Communications/Utilities |
| Office | Vacant |
| Warehouse | |

AMENDMENT PCM120102 LOCATION

SITE TAX ID:
21-09-20-001-0000

ACRES: 15.7 ±





Future Land Use

Legend

-  Lake Protection
-  Residential Preservation
-  Suburban
-  Urban Residential
-  Urban Residential 2



Subject Parcel

AMENDMENT PCM120102 LOCATION

Existing
Residential Preservation

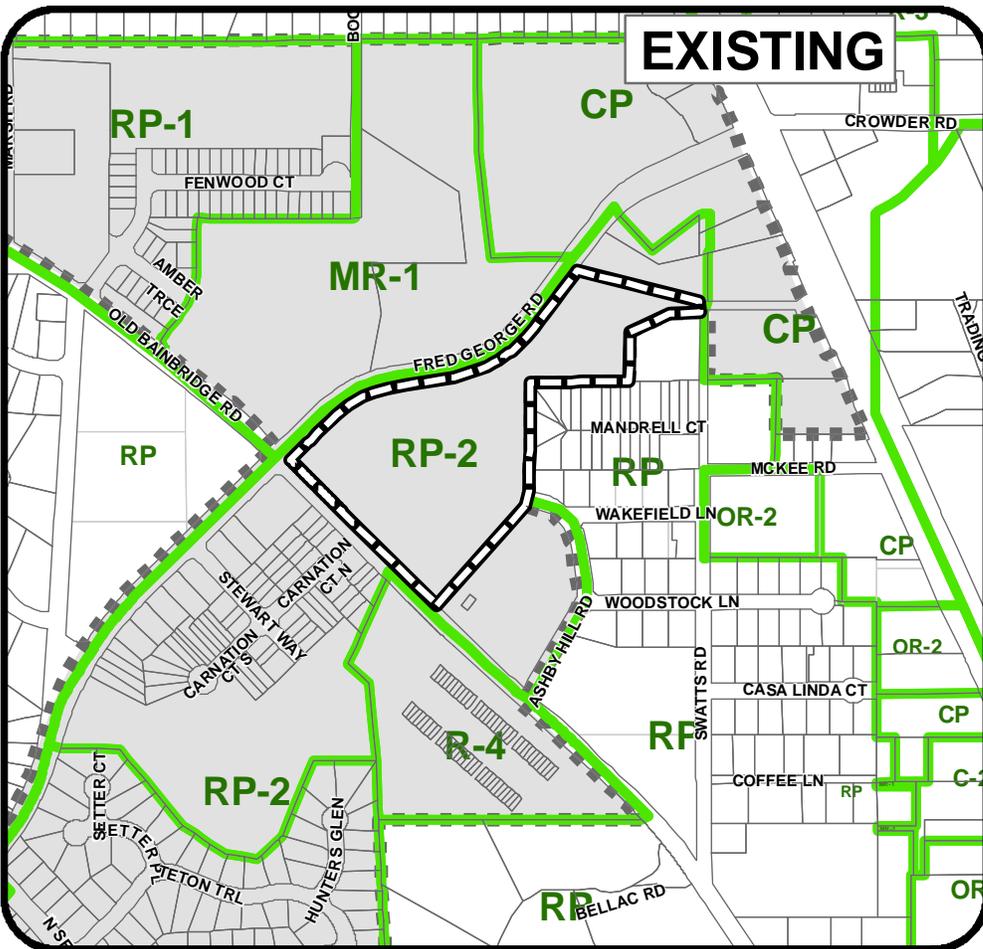
Proposed
Urban Residential

SITE TAX ID:
21-09-20-001-0000

ACRES: 15.7 ±



EXISTING



ZONING

Legend

-  Subject Parcel
-  City Limits
-  zoning

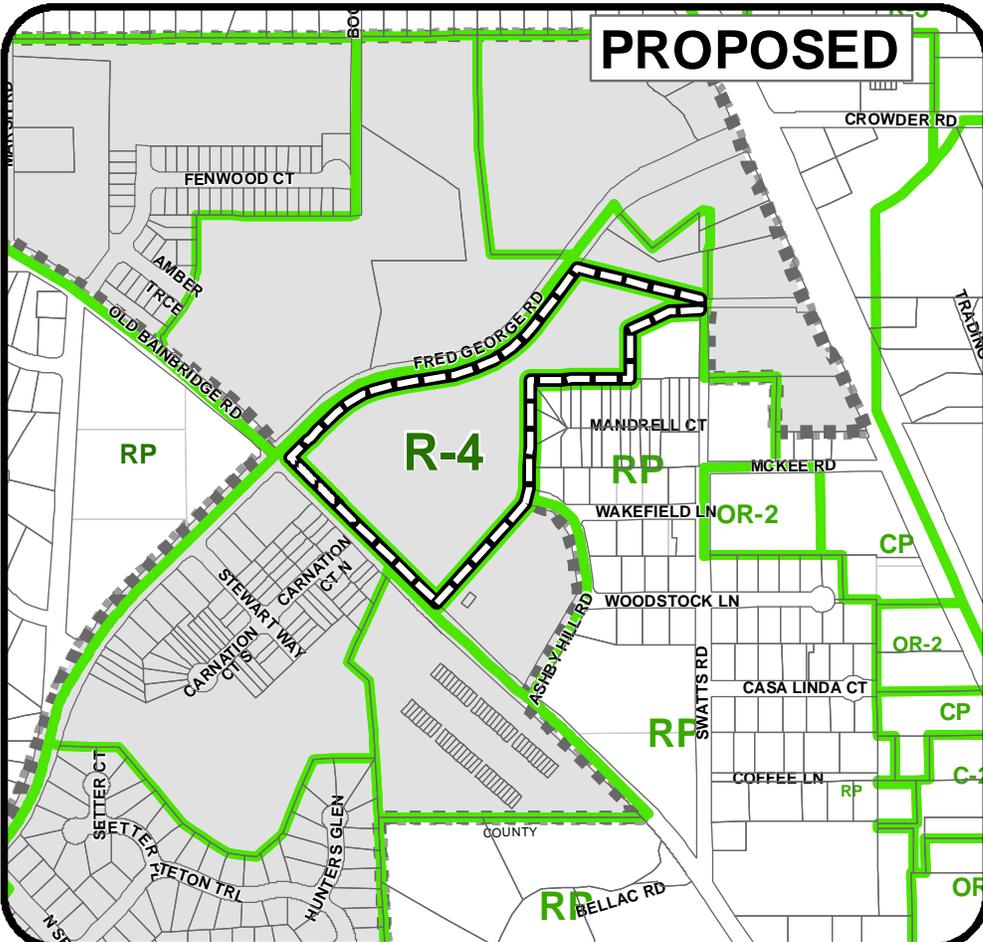
AMENDMENT PCM120102 LOCATION

Existing
Residential Preservation 2

Proposed
Residential 4

SITE TAX ID:
21-09-20-001-0000

PROPOSED



MAP AMENDMENT: PCM120102

APPLICANT: Reserve at Stony Creek, LLC

TAX I.D. #: 21-09-20-001-0000 (20.3 acres)

CITY X COUNTY

CURRENT DESIGNATION: Residential Preservation

REQUESTED DESIGNATION: Urban Residential

**DATE: February 16 2012, Updated March 28, 2012, Updated June 15, 2012
(~~strikethrough/underline~~)**

PRELIMINARY STAFF RECOMMENDATION: ~~Approve~~ Continue the Joint Adoption Public Hearing for Amendment PCM120102 to October 24, 2012 in City Hall. Staff continues to recommend approval subject to a development agreement that would address noise, light, visual buffering and access issues to minimize impacts to the adjacent residential neighborhood. The recommendation to continue the adoption hearing is intended to provide the time needed to complete the development agreement and necessary public hearings. If the development agreement cannot be finalized prior to the adoption hearing, then recommendation would be for denial.

1. SUMMARY:

This is a request to change the Future Land Use Map designation from “Residential Preservation” to the “Urban Residential” category for a vacant ~~20.3~~ 15.7 acre portion of a single parcel on the southeast corner of the intersection of Fred George Road and Old Bainbridge Road. The existing land use category allows single-family housing up to six dwelling units per acre. The proposed Urban Residential category allows higher density housing up to 10 dwelling units per acre (with a minimum of four dwelling units per acre), including townhouses, single-family detached, two- family and multiple-family dwelling units, as well as community facilities related to residential uses.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The Future Land Use pattern in this area is consistent with the requested land use designation. The subject property is located adjacent to a four-lane divided County road that is adjacent to a mix of Suburban and Urban Residential 2 land use designations. These two land use categories both allow a maximum 20 dwelling units/acre.
2. The subject property is within the Urban Service Area (USA). The application of a more intense land use category and similar zoning category is appropriate for this area because of its location within the USA and because of the immediate availability of urban infrastructure, including sewer service and mass transit. The area within the USA is

intended for greater densities and intensities over the planning horizon based on the availability of infrastructure.

3. The subject property is within 300' of the intersection of Highway 27 and Fred George Road, which is an emerging urban node. Such nodes can be characterized by a mix of higher intensity services, more dense housing choices, easy access to mass transit, and increased walkability made possible by an interconnected sidewalk system.

C. APPLICANT'S REASON FOR THE AMENDMENT:

The applicant previously submitted a site plan for 25 single-family homes in 2005. However, following changes in the local housing market in the mid- to late 2000s, the proposed site plan was deemed infeasible. The applicant has stated a desire to increase the density and intensity of allowed residential development in order to be able to fund the required infrastructure.

The applicant, following several formal and informal meetings and other communications with adjacent residents as part of this amendment cycle, requested the removal of approximately 4.8 acres from the subject property. This area is located adjacent to Ashby Hill Road, in between Old Bainbridge Road and a large natural steephead ravine in the western half of the property.

D. STAFF ANALYSIS

Existing FLUM & Zoning

The subject parcel is within the City of Tallahassee and has a current Future Land Use Map (FLUM) designation of Residential Preservation and a zoning designation of Residential Preservation – 2. This area is characterized by a mix of Suburban, Urban Residential 2, and Residential Preservation land uses.

It was also part of the Huntington Woods Development of Regional Impact (DRI). This DRI was rescinded pursuant to Section 380.115(1)(b), Florida Statutes via Resolution No. 10-R-33 as voted by the City Commission on June 23, 2010. The resolution stated that this DRI is deemed essentially complete, and that all required mitigation has also been completed. The remaining parcels that were originally part of this DRI are therefore not required to mitigate their impact up to that which they were vested with as part of this rescission. The vested development for the subject parcel is 25 single-family homes. These homes have not been built on the subject parcel.

Residential Preservation Land Use

The Residential Preservation land use category is characterized by existing homogeneous residential areas within the community predominantly accessible by local streets. The primary function of this category is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions.

Future development primarily will consist of infill due to the built out nature of the areas. Commercial, office, and industrial land uses are prohibited. Future arterial and/or expressways should be planned to minimize impacts within this category. Single family, townhouse and cluster housing may be permitted within a range of up to six units per

acre. Consistency with surrounding residential type and density shall be a major determinant in granting development approval.

Residential Preservation 2 Zoning

The RP-2 Zoning District applies to residential development in areas designated "Residential Preservation" on the Future Land Use Map. The intent of this zoning category is to preserve identified areas low density residential character of single-family, two-unit townhouse, and duplex residential development, protect them from incompatible land uses, and prohibit residential densities in excess of six (6.0) dwelling units per acre.

Proposed Land Use and Zoning

Urban Residential Land Use

The primary intent of the Urban Residential land use category, applied only within the Urban Services Area, is to encourage infill development, reducing urban sprawl, and maximize the efficiency of infrastructure by allowing medium density housing (4-10 dwelling units per acre).

The Urban Residential category allows townhouses, single-family detached, two-family, and multiple-family dwelling units as well as community facilities related to residential uses. Urban Residential may serve as a transition category between lower density residential categories and more intensive development such as higher density residential and/or office land uses or major roadways where alternative modes of transportation are available to support the increased residential densities.

This category is not intended to be applied within the interior of an existing neighborhood. Because the subject property is located along Old Bainbridge Road and Fred George Road, this prohibition does not apply.

The maximum residential density within the Urban Residential land use category is 10 dwelling units/acre, and the minimum is 4 dwelling units/acre.

Urban Residential Zoning

The Residential-4 (R-4) district is intended to be located in areas designated Urban Residential, Urban Residential 2, or Suburban on the Future Land Use Map of the Comprehensive Plan. These areas contain or are anticipated to contain a wide range of single-family, two-family, and multi-family housing types. The maximum gross density allowed for new residential development in the R-4 district is 10 dwelling units per acre with a minimum gross density of 4 dwelling units per acre, unless constraints of concurrency or preservation and/or conservation features preclude the attainment of the minimum densities.

R-4 zoning districts are intended to achieve densities consistent with urban development and to promote infill development. Certain community and recreational facilities related to residential uses are also permitted. This district may serve as a transition between low and higher density residential, office development, collector and arterial streets. The district is not intended to be applied within the interior of an existing development. Non-

residential uses shall be compatible in scale and design with adjoining residential neighborhoods.

Based on the requested land use designation and zoning for the area under consideration, it is anticipated that a maximum of 157 residential dwelling units may be allowed. However, based on the significant environmental constraints on the property, this maximum number may not be achievable.

Urban Services Area

The subject parcel is within the City of Tallahassee and the existing Urban Services Area (USA). The USA is established by Objective 1.1 of the Land Use Element of the Comprehensive Plan. This planning tool is intended to direct development to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and the service capacity to accommodate growth in an environmentally acceptable manner.

The USA was established by local government following the adoption of the Comprehensive Plan in order to help Tallahassee and Leon County grow in a responsible manner by providing the economically feasible and efficient distribution of infrastructure necessary for development. The USA is also intended to protect surrounding forest and agricultural lands from unwarranted and premature conversion to urban land use.

There are a number of policies that address the USA and the relationship between development and available capital infrastructure to support higher land use densities and intensities. (Capital infrastructure is defined in the Comprehensive Plan as sewer and water, roads, mass transit, solid waste, drainage, and parks.) A listing of these policies includes:

- Policy 1.1.1 [L] in the Land Use Element requires new development to be concentrated within the USA.
- Policy 1.1.2 [L] requires local government to provide capital infrastructure improvements within the USA over the planning horizon.
- Policy 1.1.5 [L] states that Future Land Use Map densities and intensities are intended to reflect the availability of capital infrastructure.
- Policy 1.1.7 [L] requires that higher density and mixed use development and its ancillary activities shall be channeled into locations which have proper access to the existing transportation system; minimal environmental constraints; sufficient stormwater treatment capacity; compatible existing land use and readily available sewer and water infrastructure.

Reasons for Proposed Map Amendment Recommendation

The application of a more intense land use category is appropriate for this area for the following reasons:

- There are several developed areas adjacent to the subject property that have higher density/intensity land use designations. Two developed areas of Urban Residential are located to the northwest across Fred George Road and southwest across Old Bainbridge Road. Another, larger area designated Suburban is located on the north side of Fred George Road. A portion of this area north of the subject area is currently vacant, but there is an existing shopping center that contains the Lake Jackson Branch Library, a unit of the Leon County Library system.
- The subject property is located within the USA, and so is therefore consistent with those policies listed above that address development within the USA. Based on the availability of infrastructure, the area within the USA is intended for greater densities and intensities over the planning horizon.
- Urban infrastructure is currently available to the subject property. StarMetro's Forest bus route runs along this portion of Fred George Road every 20 minutes during weekdays, and the Evergreen route runs every 30 minutes on Saturdays. Sufficient water and sewer capacity exists to serve the subject property, and it is located adjacent to a four-lane road (Fred George). Ashby Hill Road also borders the subject property along its southeastern border. Ashby Hill Road is a local County road.

The subject property is within walking distance of an emerging urban node centered around the intersection of Highway 27 North, Fred George Road, and Crowder Road. This area was previously part of the Florida Pecan Endowment Company, a land-holding investment company that once held approximately 4,000 acres in Leon County. This company in the early 20th century sold parcels of land five to 20 acres in size marketed as pecan orchards to investors and land speculators. Following the construction and expansion of Highway 27 to four lanes, development has occurred along much of this roadway in an automobile-oriented pattern that concentrates commercial uses in a strip along major roadways, set back from the edge of the roadway, and low-density residential uses away from these commercial areas. Attachment #1 reflects this pattern as evident in the Suburban land uses along Highway 27, with large areas of low-density Residential Preservation away from this Suburban corridor.

However, the emerging urban node at Fred George Road and Highway 27 differs from this traditional development pattern by providing a more concentrated node of urban land uses, including several higher density residential developments within walking distance of this intersection. There are also two shopping centers adjacent to this intersection and several nearby small shopping strips and stand-alone commercial buildings, including two drug stores, several restaurants and auto services, and a bank. Springwood Elementary School is within approximately 2,100' of the subject property, and a City-owned parcel purchased for a new park is within approximately 2,500' (300' west of Springwood Elementary). This urban node is continuing to develop and intensify, and there is a rudimentary sidewalk system in place along portions of Highway 27 that is being slowly augmented as redevelopment continues.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features

This approximately ~~20.3~~ 15.7-acre site is located within the Fred George drainage basin.

The majority of the site is forested. An old homesite approximately an acre in size that was previously cleared that borders Old Bainbridge Road. A commercial water well ~~is located within a small parcel within the subject property that is owned by Talquin Water and Wastewater, Inc. This is located on an interior parcel~~ is 0.03 acres in size, and access to it is provided from Ashby Hill Road.

A large ravine parallels Old Bainbridge Road and crosses Fred George Road. This ravine is approximately 200' wide, 16-20' deep, and has an elevation change of 42' from its head to where it crosses Fred George Road. This ravine and several other environmental features are indicated in Attachment #2.

The northeastern portion of the subject property encompasses a portion of a similar ravine that is larger and deeper than the ravine paralleling Old Bainbridge Road. Both of these ravines drain into Fred George Sink, which is the receiving geological feature within the Fred George Drainage Basin. The slopes of these ravines are identified by County environmentally sensitive area maps as protected slopes.

Old Bainbridge Road is a County road that is designated as a canopy road that is protected by County canopy road land development regulations. The area of the subject property that is within the protected canopy area is approximately two acres (approximately 70' deep and 1,225' long).

There are no other known environmentally sensitive features in the subject area.

2. Water/Sewer

According to the City of Tallahassee, adequate sanitary sewer and water service is available to serve a potential 203 residential dwelling units as allowed under the proposed land use and zoning categories.

3. Other

Roads

U.S. Highway 27 is a principal arterial and Fred George Road is a major collector. The Concurrency Management Section of the Leon County Department of Development Support and Environmental Management (DSEM) has reviewed the proposed comprehensive plan amendment for impacts to the County's Concurrency Management System (CMS). Staff input the increased number of trips (75) into the Tallahassee-Leon County QRS/GNE Model. The additional trips significantly impacted segments of Fred George Road and will require mitigation on at least one segment within the jurisdiction of Leon County. Segments within the City of Tallahassee may also be adversely affected by this comprehensive plan amendment.

This transportation analysis is preliminary in nature. An important issue in development of this property is the location of the access points, which can greatly alter trip distribution. The analysis is based on the current concurrency inventory, which is revised frequently for a

multitude of reasons (i.e., new traffic counts, committed demand changes, revisions to capacity, other).

Policy 1.2.2 of the Capital Improvements Element requires that future development shall pay for its proportional share of the capital improvements needed to address the impact of such development. If deficiencies are anticipated, local government may use a “significant benefit” approach to assess proportionate fair-share mitigation (over that previously vested by the rescinded Huntington Woods DRI) and to schedule improvements to address the identified deficiency(ies) on the impacted facility(ies) to meet the requirements for financial feasibility. Future development on the subject site can mitigate under this policy by paying its proportional share of any needed improvements to provide sufficient capacity into the Significant Benefits account for District II (South of Mahan Drive).

Transit Availability

StarMetro’s Forest bus route runs along this portion of Fred George Road every 20 minutes during weekdays, and the Evergreen route runs every 30 minutes on Saturdays.

Bicycle/Pedestrian Facilities Availability

Sidewalks are present along some segments of Highway 27 where new development has occurred. No sidewalks exist along Fred George Road except at and near the intersections of Highway 27 and Old Bainbridge Road. There are no sidewalks along Old Bainbridge Road. There are also no bicycle facilities along Fred George Road and Old Bainbridge Road.

4. Schools

The site is zoned for Springwood Elementary, Griffin Middle School, and Godby High School. The potential impact on available public school capacity is illustrated in the following table:

School Name	Springwood Elementary	Griffin Middle	Godby High
Potential Students Generated	40	18	18
Present Capacity	88	419	287
Post Development Capacity	48	401	269

The table above depicts preliminary calculations provided by School Board staff based on the maximum residential development allowed under the requested future land use category, for the 20.3 acres originally submitted by the applicant. Final school concurrency calculations will be conducted in the future when a site plan for proposed development is submitted.

5. 5-Year Capital Improvements Projects

None.

F. VESTED / EXEMPT STATUS:

The subject property was part of the Huntington Woods Development of Regional Impact (DRI), which was rescinded pursuant to Section 380.115(1)(b), Florida Statutes via Resolution No. 10-R-33 as voted by the City Commission on June 23, 2010. This resolution stated that this DRI is deemed essentially complete, and that all required mitigation has also been completed. The remaining parcels that were originally part of this DRI are therefore not required to mitigate their impact up to that which they were vested with as part of this rescission. The vested development for the subject parcel was 25 single-family homes. These homes have not been built on the subject parcel.

G. PLANNING ISSUES

There are several issues associated with the potential development of this site under the proposed land use and zoning designations, including access, traffic impacts, buffers, the protection of several sensitive ravines, and compatibility with adjacent single-family neighborhoods. Sections 163.3220-163.3243 of Chapter 163 in Florida Statutes authorizes local governments to enter into development agreements with developers, subject to the procedures and requirements of Sections 163.3220-163.3243. ~~Prior to the adoption hearing, it is recommended that~~ The City of Tallahassee work with the developers to create is currently reviewing a proposed development agreement submitted by the applicants that is intended to address planning issues identified by staff as part of the amendment process and would address noise, light, visual buffering and access issues to minimize any impacts to the adjacent residential neighborhood. This development agreement should also run with the land, should the subject property be sold for development by another owner. If this development agreement cannot be successfully created by the time of adoption of the proposed amendment, then the proposed amendment should be denied. Staff is recommending that the Commissions continue the amendment to the regularly scheduled City Commission meeting on October 24, 2012. The recommendation to continue the adoption hearing is intended to provide the time needed to complete the development agreement and necessary public hearings. If the development agreement cannot be finalized prior to the continued adoption hearing, then the staff recommendation would be for denial.

H. LOCAL PLANNING AGENCY QUESTIONS

The Local Planning Agency had a workshop on March 1, 2012 to discuss the Cycle 2012-1 Proposed Amendments. Their questions and staff's responses are as follows:

1. *Is there a cap or limit on transferring residential density within a parcel from undevelopable areas onto developable areas?* The receiving areas cannot exceed twice the allowable density. Regarding the subject area, this cap would be 20 dwelling units per acre.
2. *Would the development of the subject property require to construct a sidewalk along its frontage with Fred George Road?* Both the City and the County require that sidewalks be installed as a part of all development along all street frontages within the Urban Service

Area. However, provisions exist where a developer can request a fee in-lieu instead of building a sidewalk if certain criteria are met.

3. *How is public school concurrency determined?* The capacity analysis for this staff report is conducted by Leon School Board staff. A more precise determination is made based on any site plans presented for approval.
4. *The subject property is vested for concurrency under the rescinded DRI for up to 25 single-family residential units. Can additional residential units be developed onsite?* The subject property, under its current RP-2 zoning, has a legal maximum of 121 dwelling units. However, due to environmental constraints and the configuration of the parcel, the ability of the site to be developed to this extent is significantly limited.
5. *Given the onsite ravines and slopes, are there any significantly flooding or water quality issues associated with the subject property?* The subject property is located within the Fred George regulated closed basin. Under the City's development standards, runoff volumes within regulated closed basins in excess of the predevelopment runoff volume shall be retained for all storm events up to a 100-year, 24-hour duration storm. This is a stringent standard that is also intended to address water quality.

I. CONCLUSION:

Based upon the above data and analysis, Planning Department staff concludes the following:

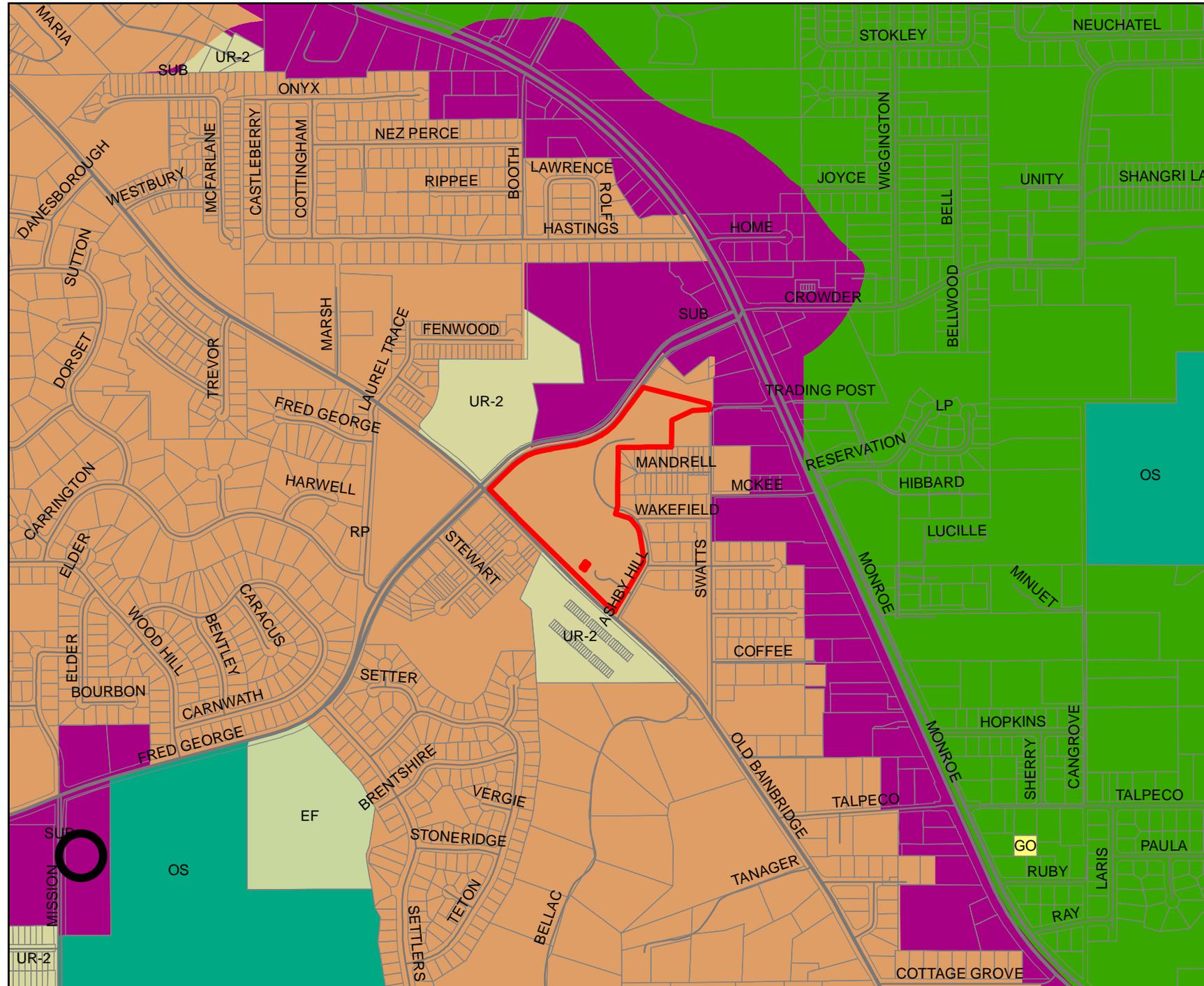
1. The Future Land Use pattern in this area is consistent with the requested land use designation. The subject property is located adjacent to a four-lane divided County road that is adjacent to a mix of Suburban and Urban Residential 2 land use designations. These two land use categories both allow a maximum 20 dwelling units/acre.
2. The application of a more intense land use category and similar zoning category is also appropriate for this area because of its location within the Urban Service Area and the availability of infrastructure, including sewer service and mass transit. Based on the availability of such infrastructure, the area within the USA is intended for greater densities and intensities over the planning horizon.
3. The subject property is within 300' of the intersection of Highway 27 and Fred George Road, which is an emerging urban node. Such nodes can be characterized by a mix of higher intensity services, more dense housing choices, easy access to mass transit, and increased walkability made possible by an interconnected sidewalk system.

Based on this analysis and its conclusions, Planning Department staff recommends changing the area of the subject property currently designated as Residential Preservation to Urban Residential.

I. ATTACHMENTS:

- Attachment #1: Expanded Area Future Land Use Map
- Attachment #2: Environmental Features

Attachment 1: PCM120102 Expanded Future Land Use Map



Legend

- PCM120102 Boundary
- Property Boundary

Roads

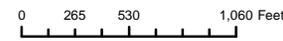
CLASS

- Interstate 10
- Federal
- Major
- Minor
- Residential

Future Land Use

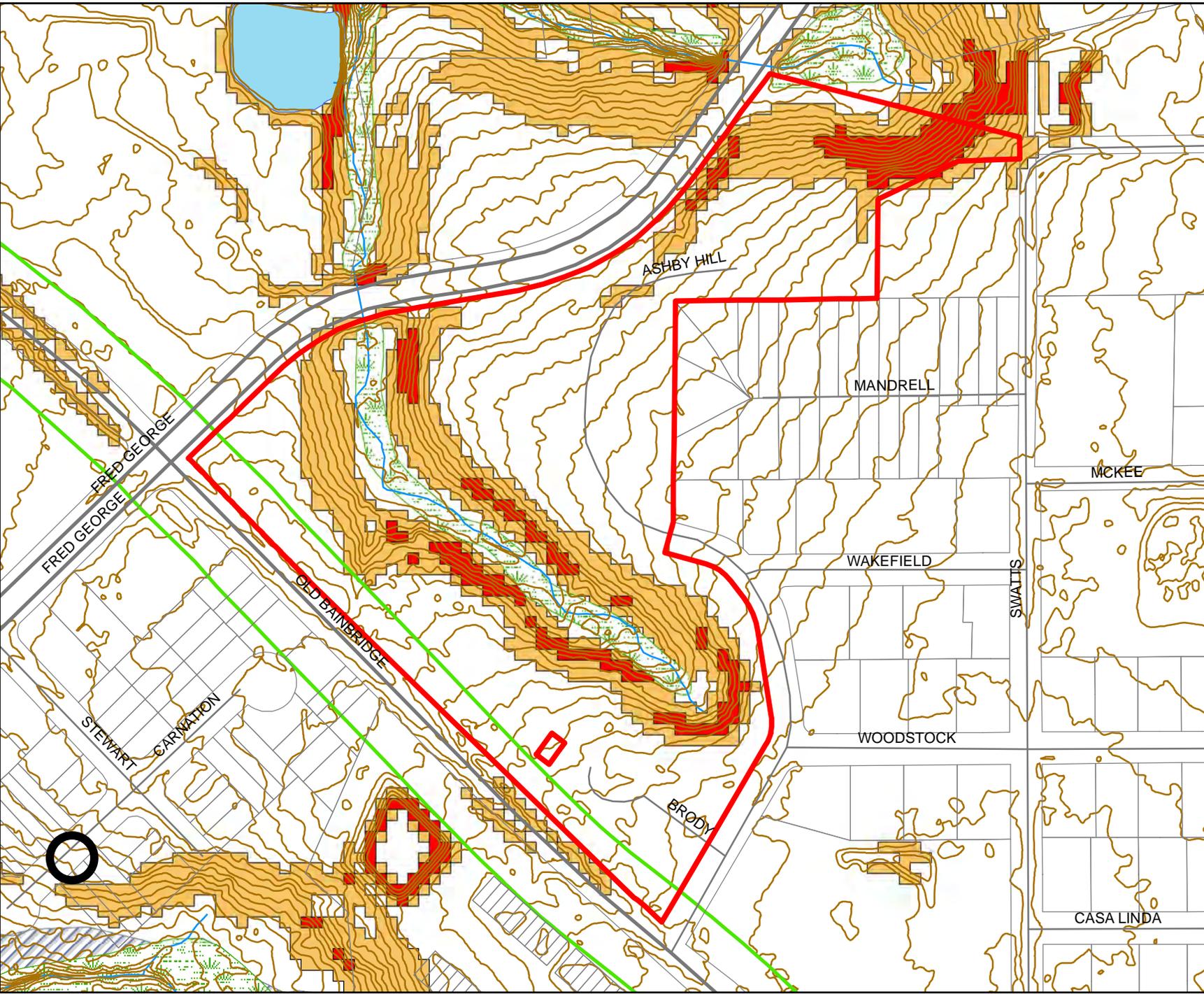
LANDUSE

- Activity Center
- Agriculture/Silviculture/Conservation
- Bradfordville Mixed Use
- Central Urban
- Downtown
- Educational Facilities
- Government Operational
- Industrial
- Lake Protection
- Open Space/Stormwater Facilities
- Planned Development
- Recreation/Open Space
- Residential Corridor
- Residential Corridor Node
- Residential Preservation
- Rural
- Rural Community
- Suburban
- University Transition
- Urban Fringe
- Urban Residential
- Urban Residential 2
- Woodville Rural Community



NOTE: This product has been compiled from the most accurate source data from Leon County and the City of Tallahassee. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument.

Attachment 2: PCM120102 Environmental Features



Legend

- PCM120102 Boundary
- Property Boundary

Roads

CLASS

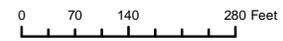
- Interstate 10
- Federal
- Major
- Minor
- Residential

- canopyb
- Contours
- Watercourse
- Waterbody
- Wetland
- 100-yr Floodplain

Regulated Grades

CLASS_DESC

- NOT REGULATED GRADE
- SIGNIFICANT GRADE
- SEVERE GRADE



NOTE: This product has been compiled from the most accurate source data from Leon County and the City of Tallahassee. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument.

ATTACHMENT #5

September 19, 2012 City Agenda Item on
the Proposed Development Agreement



Agenda Item Details

Meeting	Sep 19, 2012 - City Commission Meeting & Summary
Category	15. 6:00 P.M. PUBLIC HEARINGS
Subject	15.07 First of Two Public Hearings on Development Agreement Between the City of Tallahassee and the Owners of Property Related to Stoney Creek---JIM ENGLISH, CITY ATTORNEY
Type	Action, Public Hearing
Fiscal Impact	No
Recommended Action	Option 1. Hold the first public hearing on the proposed development agreement with Stoney Creek, LLC; defer the concurrency review requirements for Stoney Creek, LLC until the application for site plan or subdivision review process; and set the second public hearing for Wednesday, October 24, 2012, at 6:00 P.M

FOR INFORMATION CONTACT: Hetal Desai, Assistant City Attorney, 891-8554 or Steven Hodges, Senior Planner, 891-6400

STATEMENT OF ISSUE

The proposed development agreement, attached as Attachment 1, provides for conditions on stormwater, drainage, access, traffic, buffers and light impacts; the protection of sensitive ravines; pedestrian and transit access and compatibility with adjacent single-family neighborhoods. Stoney Creek, LLC has requested that the City approve a development agreement pursuant to Sec. 163.3220, Fla. Stat. that would give it flexibility to develop the property with an increased density in the future and guidance on how to address potential issues with development in the future.

The agreement is before the City Commission for the first of two public hearings. The second public hearing is scheduled for October 24, 2012.

FISCAL IMPACT

None

SUPPLEMENTAL MATERIAL / ISSUE ANALYSIS

HISTORY / FACTS AND ISSUES

Stoney Creek, LLC is pursuing development on approximately 15.5 acres which is located at the intersection of Old Bainbridge Road and Fred George Road in Tallahassee, Florida in the northwest portion of the City (Attachment 1, Exhibit 1).[\[1\]](#) The proposed development is to provide a multi-family housing type (Attachment 1, Exhibit 2). However, this development will require a change from the current density allowed on that property.

During discussions at a Leon County-Tallahassee Planning Commission public hearing on April 3, 2012, the Planning Commission voiced concern over traffic, stormwater and compatibility issues. Additionally, at a joint meeting of the Tallahassee and Leon County Commissions on April 24, 2012, members of both Commissions indicated a desire for Stoney Creek, LLC to pursue a development agreement with the City to address the neighboring property owners' concerns.

As a result, Stoney Creek, LLC, has requested that the City approve a development agreement pursuant to Sec.

163.3220, Fla. Stat. that would give the owners more density and flexibility to develop the land while at the same time address Stormwater, traffic and compatibility issues raised by the neighborhood and staff. In the past few months, Stoney Creek, LLC, has met with City staff (both with and without residents of neighboring properties) to further identify potential development conditions relating to stormwater, drainage, access, traffic, buffers, and light impacts; the protection of sensitive ravines; and compatibility with the adjacent single-family neighborhood. The resulting proposed development agreement is found below as Attachment 1 (with Exhibits).

The City Attorney's Office sent electronic notice letters of the scheduling of the two (2) public hearings on the development agreement to the owners of the subject property. An ad was also published on August 22, 2012 and September 12, 2012 in the Tallahassee Democrat. Additionally, the Planning Department distributed the notice to eleven (11) individuals who had previously provided comment at public hearings regarding the property, attended meetings with the developer or contacted the Planning Department regarding the property.

The primary purpose of the agreement is to provide assurances that future development of any non-single family housing occur in the area closest to Fred George Road, and that any development is compatible with the neighboring residences. As written, the proposed development agreement provides specific conditions regarding the following issues:

1. Traffic and access
2. Lighting
3. Pedestrian and Alternative Transportation
4. Buffer and Vegetation
5. Stormwater
6. Concurrency

Although the City and Developer initially agreed to the basic terms of the development agreement, two issues required additional discussion. First, the developers proposed a twenty-year term for the development agreement based on comments by one or more of the County Commissioners. Because the development agreement would freeze the development regulations in effect at the time of the agreement and limit the City's ability to enforce future changes to the Land Development Code or other regulations, City staff was more comfortable with a shorter term. Historically, the City has entered into development agreements that have had terms of five (5) to ten (10) years.^[2] As written the development agreement remains in effect for the next ten (10) years as recommended by staff, but provides a process to renew or revoke with mutual consent of the parties.^[3]

Second, pursuant to the City's Concurrency Management System Policy and Procedures Manual (located at <http://www.tal.gov/growth/pdf/cncrrmanual.pdf>.) a developer must satisfy concurrency mitigation requirements at the time it enters into a development agreement with the City. Stoney Creek, LLC has requested that the concurrency review requirements be deferred until the submission of a site plan or subdivision application, because it has not determined the type of development or number of units to be placed on the property. As a practical matter because of the following factors concurrency review cannot be reasonably assessed until the initial site plan or subdivision plans are submitted to Growth Management:

1. Uncertainty of what will be developed on this property.
2. Size of the parcel.
3. Environmental features limiting where development can take place on the property.
4. Developer's agreement to develop the area farthest away from the adjacent neighborhood and away from Ashby Hill Road (at the request of the City and County Commissions).
5. Developer's agreement to additional buffer.

The proposed development agreement requires Stoney Creek to apply for concurrency review at the time of its site plan or subdivision review. The development agreement also clarifies that deferment does not alleviate any requirements of the City's Concurrency regulations for future development and concurrency would be subject to the rules and/or traffic conditions that are in effect at the time of the concurrency application. Any relief or deviation from concurrency review

would require City Commission approval.

Staff is recommending that the City Commission grant the deferment of the concurrency review requirements based on the unique nature and purpose of the development agreement. Any deferment would be consistent with the intent of the concurrency review requirements of the Local Government Comprehensive Planning and Land Development Regulation Act §§ 163.3161 - 163.3242, Florida Statutes; the 2010 Tallahassee/Leon County Comprehensive Plan; Section 4 of the Tallahassee Land Development Code; and the City's Concurrency Policies.

The proposed development agreement is before the City Commission for first public hearing and to set the second public hearing on October 24, 2012.

OPTIONS

1. Hold the first public hearing on the proposed development agreement with Stoney Creek, LLC; defer the concurrency review requirements for Stoney Creek, LLC until the application for site plan or subdivision review process; and set the second public hearing for Wednesday, October 24, 2012, at 6:00 P.M.
2. Hold the first public hearing on the proposed development agreement with Stoney Creek, LLC; deny deferral of the concurrency mitigation requirements for Stoney Creek, LLC; and set the second public hearing for Wednesday, October 24, 2012, at 6:00 P.M.
3. Hold the first public hearing on the proposed development agreement with Stoney Creek, LLC, as revised by the City Commission, and set the second public hearing for Wednesday, October 24, 2012, at 6:00 P.M.
4. Do not hold the first public hearing on the proposed development agreement, and provide directions to staff.

ATTACHMENTS

1. Proposed Ch. 163 Development Agreement with Exhibits 1 and 2
 - Exhibit 1 Legal Description and Sketch of Stoney Creek, LLC property
 - Exhibit 2 Proposed Concept Plan

[1] Stoney Creek, LLC, owns approximately 20 acres, but the development agreement only includes the 15.5 acres.

[2] For example Evening Rose Development Agreement (5 years); Campus Development Agreement (5 years); S.T.O.F Development Agreement (10 years); see also County/Black Hills Highlands Agreement (10 years). Section 163.3229, Florida Statutes, limits a development agreement to a term not to exceed thirty (30) years.

[3] Additionally, the parties may revoke the agreement if the map amendment that increases the density does not get approved by the City Commission (PCM 120102). The second and final public hearing on the Comprehensive Plan Map Amendment PCM 12010 (which changes the Future Land Use Category of the 15.5 acres from Residential Preservation to Urban Residential 2) is set for October 24, 2012.

[Development Agreement-SC.pdf \(63 KB\)](#)

[Ex 1-Legal Description.pdf \(8 KB\)](#)

[Ex 1-Sketch Legal Description.pdf \(1,687 KB\)](#)

[Ex 2-Concept Plan.pdf \(2,438 KB\)](#)

STONEY CREEK DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT is made and entered into this ____ day of _____, 2012 between the RESERVE AT STONEY CREEK, LLC (hereafter referred to as the Developer or Stoney Creek, LLC), and the CITY OF TALLAHASSEE, FLORIDA, a Florida municipal corporation, (hereafter referred to as “the City”) pursuant to Florida Statutes, 163.3220-163.3242, the Florida Local Government Development Agreement Act, and Section 2-2, Tallahassee Code of Ordinances.

WITNESSETH

WHEREAS, Stoney Creek, LLC, owns approximately 20 acres located at the intersection of Old Bainbridge Road and Fred George Road in Tallahassee, Florida, and generally located in the northwest portion of the City (“Property”); and

WHEREAS Stoney Creek, LLC intends to pursue development on approximately 15.5 acres of the Property (“Project”) as shown on Exhibit 1(Legal Description) and Exhibit 2(Concept Plan) ; and

WHEREAS, Stoney Creek, LLC, is pursuing a comprehensive plan amendment (PCM 12-0102) and rezoning that will result in a change in the density of the subject Project; and

WHEREAS, the proposed Project was discussed at a Leon County-Tallahassee Planning Commission public hearing on April 3, 2012, at which time the Planning Commission provided recommendations and received public comment regarding traffic, stormwater and compatibility issues; and

WHEREAS, the proposed Project was discussed at a joint Tallahassee-Leon County public hearing on April 24, 2012, with direction from the Commissions to pursue a development agreement to ensure compatibility with the existing adjacent single-family neighborhoods and to address the efficient use of resources; and

WHEREAS, the Developer and City staff have participated in subsequent meetings to further identify potential development conditions to address issues of stormwater, drainage, access, traffic, buffers, noise and light impacts; the protection of sensitive ravines; and compatibility with adjacent single-family neighborhoods; and

WHEREAS, the parties wish to formalize items discussed during the course of workshops, public hearings, and subsequent meetings in order to provide a better and more compatible development.

CONDITIONS

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, it is mutually agreed as follows:

(A) Recitals. The recitals set forth in the preceding “WHEREAS” clauses are incorporated herein and form a material part of this Development Agreement.

(B) Purpose. The purpose of this Development Agreement is to address and mitigate public welfare and safety concerns regarding planning issues of stormwater, drainage, access, traffic, buffers, noise and light impacts; the protection of sensitive ravines; and compatibility with adjacent single-family neighborhoods. The commitments included herein are in addition to all requirements in the City’s Land Development Code Regulations, and these commitments shall not be construed to alter or substitute for Land Development Regulations. Should a commitment made herein conflict with Land Development Regulations, the Land Development Regulations shall take precedent.

(C) Requirements. The Developer shall fulfill the following requirements to address public issues identified above regarding planning issues of stormwater, drainage, access, traffic, buffers, noise and light impacts; the protection of sensitive ravines; and compatibility with adjacent single-family neighborhoods. Any future development must comply with the requirements below and the City Land Development Code and regulations in effect at the time of the execution of this Development Agreement, except that the City may apply subsequently adopted laws under the procedure set forth in §163.3233, Florida Statutes. These requirements include:

1. Traffic

(a) Vehicular access to Fred George Road from the subject Project must be provided from developable portions of the Project, consistent with existing roadway characteristics such as alignment with existing median cuts, subject to County permitting standards. If the Project is developed to include any multi-family residential dwellings, then the only vehicular access shall be to and from Fred George Road and no vehicular access to Ashby Hill Road from the subject Project shall be permitted. Nothing in this agreement, however, shall prohibit access to and from Ashby Hill Road for any development consistent with Residential Preservation 2 (RP-2) zoning located in the developable areas

West of the ravine as depicted in Exhibit 2. All connections to existing roadways will require approval from Leon County Public Works.

(b) Nothing in this Development Agreement prohibits the City from requiring traffic or other safety related studies during the site plan process for any future development.

2. Lighting

Non-residential lighting standards in the R-4 zoning development standards will be applied to all residential development. These will include both shielded and directed lighting.

3. Pedestrian and Alternative Transportation

(a) The Developer shall construct sidewalks along Fred George Road. If any development has access to or from Ashby Hill Road, the Developer shall construct sidewalks along Ashby Hill Road or the entire site boundary. The Developer shall be required to pay a fee-in-lieu of sidewalk construction for the Old Bainbridge Road boundary of the site as determined by the governing local government. The Developer shall provide pedestrian connection to Fred George Road, Old Bainbridge Road, and Ashby Hill Road and to any existing or planned bicycle or pedestrian trails and sidewalks, proposed or existing that are adjacent to this site. The connections will require the approval of the governing local government.

(b) Any development on the Project shall be conditioned on the requirement that the Developer provide an easement to the City for a transit facility on Fred George Road. As part of any development, the Developer agrees to construct a lighted shelter to be maintained by StarMetro that will accommodate 20 passengers, shelter pad, bike rack and infrastructure to support intelligent transportation technology according to StarMetro specifications and approved by StarMetro staff.

4. Buffer and Vegetation

(a) A 35' wide section that runs along boundaries of the subject Project that are adjacent to existing and established neighborhoods shall be preserved for any buffer and/or required drainage for the subject Project. Within this area, a Type 'B' vegetated buffer that meets or exceeds existing City of Tallahassee Land Development Code (Section 10-177) including an 8-foot opaque fence shall be provided along boundaries of the subject Project that are adjacent to existing and established neighborhoods. All existing native vegetation in these buffer areas, including existing mature overstory and understory native trees, as well as mid-story and other shrub vegetation, will be preserved to the maximum extent possible, and additional vegetation will be provided as necessary as specified by these standards. This 35' wide section described above will be null and void

if multi-family is not permitted on site. Any right of ways including Fred George, Old Bainbridge, and Ashby Hill Road are not included in this 35' wide section.

(b) Pursuant to section 5-81., Land Development Code, Developers shall dedicate a conservation easement to the City that shall include an upland vegetated setback area, except that the conservation easement will include an additional five (5) feet buffer to the buffer required in section 5-81(1)(a)a., Land Development Code from the boundary of any preservation or conservation features on the site ((e.g., the existing steephead ravines).

5. Stormwater

The development will comply with all City Land Development Regulations. Nothing in this Development Agreement shall be construed otherwise. To the extent allowable under the applicable Development Regulations, stormwater entering the subject Project will be collected and transported into the existing public drainage system and/or existing ravine system. An engineered bioswale that utilizes Best Management Practices appropriate to the local region and consistent with the local land development regulations will be used along the Eastern portion of the Project, west of Mandrell Court, contiguous with the existing residential neighborhood.

6. Concurrency

Developer acknowledges that pursuant to the City's Concurrency Management System Policy and Procedures Manual ("Concurrency Manual"), it must satisfy concurrency review requirements and that any future development in the subject Project is subject to a concurrency determination. Developer also acknowledges that no concurrency reservation, no rights to obtain any future final Development Orders, nor any other rights to develop the subject Project have been granted or implied by the City's approval of this Development Agreement without a concurrency determination of the public facilities.

The City has agreed to defer the concurrency review and mitigation requirements at the Developer's request as follows:

(1) Developer shall not be required to submit an application for concurrency review until the time it submits its application for Site Plan or Subdivision review.

(2) The Project will be reviewed according to the City's concurrency policies in effect at the time of the application for concurrency review.

(3) Satisfaction of any mitigation costs or costs incurred by the Project are due in accordance with the Concurrency Manual.

(4) Nothing in this Development Agreement waives the City's rights to enforce and utilize the process and methodology set forth in the City's Concurrency Manual. Any future deferment, waiver or deviation from the Concurrency Manual must be provided for in a separate Concurrency Development Agreement to be approved by the City Commission.

(D) Permits. The Developer will be required to obtain all local development permits required by the Land Development Regulations in effect at the time of execution of this Development Agreement.

(E) Authority for Agreement. This Development Agreement is being entered into pursuant to authority provided in Sections 163.3220-.3243, Florida Statutes (2012); otherwise known as the Florida Local Government Development Agreement Act, and Section 2-2 of the Tallahassee Land Development Code. However, because this Agreement is being entered into prior to Stoney Creek, LLC's submitting site plans or other development applications, nothing herein shall limit the ability of the City to review or approve proposed development.

(F) Legal Description. The legal description of the land subject to this Development Agreement is attached as Exhibit 1, attached hereto and made a part hereof. Reserve at Stoney Creek, LLC, owns the property and Project described in Exhibit 1.

(G) Term. The term of this Development Agreement shall be for a period of ten (10) years, unless extended, amended or terminated as provided for herein. It may be extended or revoked by mutual consent of the City and Reserve at Stoney Creek, LLC, or its successors, subject to public hearings in accordance with 163.3225, Florida Statutes (2012). The burdens and the benefits of this Development Agreement shall run with the land and be binding upon, and shall inure to all successors in interest to the parties to this Development Agreement, whether by lease or purchase of a portion of the property which comprises the Project.

(H) Consistency with Comprehensive Plan and Land Development Regulations. The City finds that this Development Agreement and the proposed development provided for herein are consistent with the City's adopted Comprehensive Plan and Land Development Regulations in effect as of the date of the execution of this Agreement. The parties are aware that there is currently an application to amend the Tallahassee-Leon County Comprehensive Plan (PCM 12-0102) which will affect the subject Project if it is adopted and becomes effective. It is the intent of the parties that any future development be reviewed for consistency with the City's adopted Comprehensive Plan as amended by Amendment PCM 12-0102.

(I) Allowed Development Densities. The uses, maximum densities, intensities and building heights for development shall be those established on the Future Land Use Map and in the Future Land Use Element of the City's adopted Comprehensive Plan in existence at the time this Development Agreement becomes effective, except as amended by Amendment PCM 12-0102 discussed in paragraph H above.

(J) Conflict or Ambiguity. The failure of this Development Agreement to address a particular permit, condition, term or restriction shall not relieve the Developer of the necessity of complying with the law governing such permits, conditions, terms or restrictions.

(K) Periodic Review. As required by §163.3235, Florida Statutes, the Developer shall review the Project subject to this Development Agreement at least once every twelve (12) months from the date of the execution of this Development Agreement to determine whether there has been good faith compliance with the terms of this Development Agreement and provide a report to the City by December 1st of each calendar year.

(L) Notices. All notices, demands, requests to replies provided for or permitted by this Development Agreement shall be in writing and may be delivered by any of the following methods:

- a. By personal service or delivery;
- b. By registered or certified mail;
- c. By deposit with an overnight express delivery service.

Notices by personal service or delivery shall be deemed effective at the time of personal delivery. Notices by registered or certified mail shall be deemed effective three business days after deposit with the United States Postal Service. Notices by overnight express delivery service shall be deemed effective one business day after deposit with the express delivery service.

For the purpose of notice, the address of the Developer shall be:

Mike G. Poplin and Brandon J Miller
Reserve at Stoney Creek, LLC
PO Box 13463
Tallahassee, FL 32317

The address of the City shall be:

Honorable John R. Marks, III, Mayor
City of Tallahassee

City Hall
300 South Adams Street
Tallahassee, Florida 32301

With a copy to:

Anita Favors Thompson, City Manager
City of Tallahassee
City Hall
300 South Adams Street
Tallahassee, Florida 32301

(M) Recording, Effective Date and Termination. Within fourteen (14) days of approval of this Development Agreement, the City shall record it in the public records of Leon County. Once recorded, the development agreement shall be in effect. This Development Agreement shall remain in effect until the earlier of the completion of all development on the Project described herein, or the expiration of ten (10) years after the effective date, unless otherwise extended or terminated as provided for herein. The Development Agreement may be terminated by mutual consent of the parties. The parties are aware that there is currently an application to amend the Tallahassee-Leon County Comprehensive Plan (PCM 12-0102) which will affect the subject Project if it is adopted and upheld. If Amendment PCM 12-0102 does not become effective, either party may demand termination of this Development Agreement by notifying the other party as provided for herein.

(N) Enforcement. In accordance with Section 163.3243, Florida Statutes, any party to this Development Agreement, any aggrieved or adversely affected person as defined in Section 163.3215, Florida Statutes, may file an action for injunctive relief in the Circuit Court of Leon County, Florida, to enforce the terms of this Development Agreement or to challenge it for compliance with Sections 163.3220-3243, Florida Statutes.

(O) Entirety of the Agreement and Amendment. This Development Agreement contains the entire and exclusive understanding and agreement among the parties and may not be modified except upon mutual consent of the parties by written instrument signed by the parties after notice and hearing, as required by law.

IN WITNESS THEREOF, the parties have set their hands and seals on the day and year indicated.

WITNESSES:

RESERVE AT STONEY CREEK, LLC

Print Name: _____

By: _____
Brandon J. Miller
Principal

Print Name: _____

Print Name: _____

By: _____
Michael G. Poplin
Principal

Print Name: _____

**STATE OF FLORIDA
COUNTY OF LEON**

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by Brandon J. Miller, as Principal, Reserve at Stoney Creek, LLC. He is personally known to me or has produced _____ as identification and did (did not) take an oath.

NOTARY PUBLIC

My Commission expires:

**STATE OF FLORIDA
COUNTY OF LEON**

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by Michael G. Poplin, as Principal, Reserve at Stoney Creek, LLC. He is personally known to me or has produced _____ as identification and did (did not) take an oath.

NOTARY PUBLIC

My Commission expires:

APPROVED by the City Commission on the _____ day of _____, 2012.

ATTEST:

CITY COMMISSION OF THE

CITY OF TALLAHASSEE, FLORIDA

James O. Cooke, IV
City Treasurer-Clerk

BY: _____
John R. Marks, III
Mayor

**STATE OF FLORIDA
COUNTY OF LEON**

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by John R. Marks, III, as Mayor of the City of Tallahassee, on behalf of the Tallahassee City Commission and the City of Tallahassee. He is personally known to me or has produced _____ as identification and did (did not) take an oath.

NOTARY PUBLIC

My Commission expires:

APPROVED AS TO FORM:

James R. English
City Attorney

EXHIBIT 1 – Legal Description

LEGAL DESCRIPTION - 15 68 ACRE PARCEL

BEGIN at the Northwest corner of Lot 6, Block "A", HARWOOD UNIT NO. 1, a subdivision as per map or plat thereof recorded in Plat Book 4, Page 11 of the Public Records of Leon County, Florida, thence run South 00 degrees 42 minutes 22 seconds East a distance of 77.56 feet, thence run South 14 degrees 52 minutes 16 seconds West a distance of 60.00 feet, thence run South 41 degrees 39 minutes 35 seconds West a distance of 514.18 feet to the Northeasterly right of way boundary of Old Bainbridge Road (State Road No. 157), said point being on a curve concave to the Northeasterly, thence run Northwesterly along said right of way boundary as follows: Northwesterly along said curve having a radius of 2992.88 feet, through a central angle of 01 degrees 46 minutes 54 seconds for an arc distance of 93.07 feet (the chord of said arc bears North 45 degrees 11 minutes 48 seconds West for a distance of 93.07 feet), thence run North 44 degrees 06 minutes 41 seconds West a distance of 695.93 feet to the intersection of said Northeasterly right of way boundary with the Southerly right of way boundary of Fred George Road, thence run Easterly along said Southerly right of way boundary as follows: North 45 degrees 45 minutes 38 seconds East a distance of 222.39 feet to a point on a curve concave to the southeast, thence run northeasterly along said curve having a radius of 435.62 feet, through a central angle of 35 degrees 01 minutes 27 seconds for an arc distance of 266.29 feet (the chord of said arc bears North 63 degrees 15 minutes 56 seconds East for a distance of 262.16 feet), thence run North 80 degrees 48 minutes 34 seconds East a distance of 212.90 feet to a point on a curve concave to the northwest, thence run northeasterly along said curve having a radius of 521.60 feet, through a central angle of 45 degrees 06 minutes 12 seconds for an arc distance of 410.60 feet (the chord of said arc bears North 58 degrees 14 minutes 46 seconds East for a distance of 400.08 feet), thence run North 35 degrees 32 minutes 40 seconds East a distance of 246.75 feet, thence leaving said Southerly right of way boundary run South 75 degrees 07 minutes 42 seconds East a distance of 475.09 feet, thence run South 00 degrees 27 minutes 31 seconds East a distance of 39.08 feet, thence run South 84 degrees 19 minutes 46 seconds West a distance of 113.81 feet, thence run South 67 degrees 35 minutes 02 seconds West a distance of 120.02 feet, thence run South 66 degrees 48 minutes 52 seconds West a distance of 38.42 feet, thence run South 01 degrees 00 minutes 06 seconds East a distance of 187.40 feet, thence run South 89 degrees 23 minutes 25 seconds West a distance of 385.20 feet, thence run South 00 degrees 13 minutes 24 seconds East a distance of 339.36 feet to the POINT OF BEGINNING, containing 15.68 acres, more or less.

EXHIBIT 2- Concept Plan

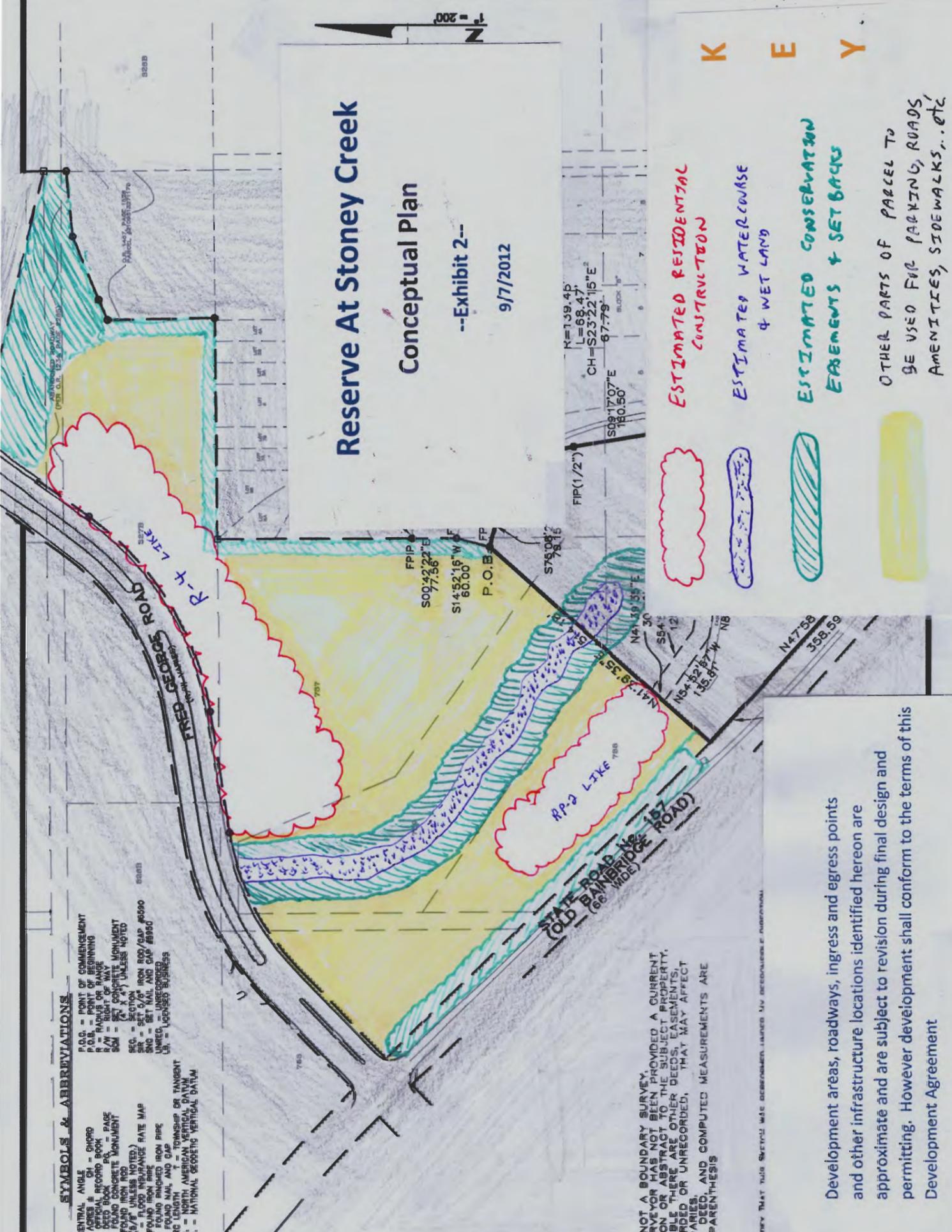
SYMBOLS & ABBREVIATIONS

- CENTRAL ANGLE - CURVD
- ADJACENT RECORD BOOK - PAGE
- DEED BOOK - PAGE
- FOUND IRON ROD
- FOUND IRON ROD
- (5/8" UNLESS NOTED) RATE MAP
- FLOOD INSURANCE RATE MAP
- FOUND BRANCHED IRON PIPE
- FOUND NAIL AND CAP
- FOUND NAIL AND CAP
- TOWNSHIP OR TANGENT
- NORTH AMERICAN VERTICAL DATUM
- NATIONAL GEODETIC VERTICAL DATUM
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- R/W - RIGHT OF WAY
- SET CONCRETE MONUMENT
- SET CONCRETE MONUMENT
- (7" X 7" UNLESS NOTED)
- SECTION IRON ROD / CAP #6690
- SET GALV. AND CAP #8906
- UNREC. - UNRECORDED
- UNRES. - UNRESERVED
- UNRES. BUSINESS

Reserve At Stoney Creek

Conceptual Plan

--Exhibit 2--
9/7/2012



IS NOT A BOUNDARY SURVEY. SURVEYOR HAS NOT BEEN PROVIDED A CURRENT EASEMENT OR ABSTRACT TO THE SUBJECT PROPERTY. UNLESS THERE ARE OTHER DEEDS, EASEMENTS, RECORDS OR UNRECORDED, THAT MAY AFFECT BOUNDARIES, DEEDS, AND COMPUTED MEASUREMENTS ARE IN PARENTHESES.

NOTICE THAT THIS SETTING WAS DETERMINED BY REVISIONS & SUBSTITUTIONS.

K E Y

- ESTIMATED RESIDENTIAL CONSTRUCTION
- ESTIMATED WATER COURSE & WET LAND
- ESTIMATED CONSERVATION EASEMENTS & SETBACKS
- OTHER PARTS OF PARCEL TO BE USED FOR PARKING, ROADS AMENITIES, SIDEWALKS, . . . ETC

Development areas, roadways, ingress and egress points and other infrastructure locations identified hereon are approximate and are subject to revision during final design and permitting. However development shall conform to the terms of this Development Agreement

ATTACHMENT #6

City Rezoning Agenda Item

CITY OF TALLAHASSEE

CITY COMMISSION AGENDA ITEM

ACTION REQUESTED ON:	October 24, 2012
SUBJECT/TITLE:	First and Only Public Hearing on Ordinance No. 12-Z-25: Proposed Amendment to the Official Zoning Map from the Residential Preservation - 2 District (RP-2) to the Urban Residential District (R-4).
TARGET ISSUE:	N/A

STATEMENT OF ISSUE

First and Only Public Hearing on Ordinance No. 12-Z-25 (Attachment # 1); Proposed Amendment to the Official Zoning Map from the Residential Preservation – 2 District to the R-4 Urban Residential District on 15.7 acres located on the south side of Fred George Road immediately east of Old Bainbridge road. This rezoning implements Comprehensive Plan map amendment PCM120102, which is proposed for adoption on October 24, 2012.

RECOMMENDED ACTION

Option 1: Adopt Ordinance No. 12-Z-25 amending the Official Zoning Map from the Residential Preservation – 2 District to the R-4 Urban Residential District.

FISCAL IMPACT

No fiscal impacts identified.

Roxanne Manning, Interim Director
Planning Department

Anita Favors Thompson
City Manager

For information, please contact: Steve Hodges at (850) 891-6408.

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

The proposed Ordinance will rezone the subject parcel from the Residential Preservation – 2 District to the R-4 Urban Residential District. The parcel (shown on Attachment #1) is the subject of an amendment (Map PCM120102) to the Comprehensive Plan during Cycle 2012-1. The City Commission will vote on adopting the amendment on October 24, 2012. Ordinance No. 12-O-35, scheduled for the October 24, 2012 joint City/County Comprehensive Plan Adoption Hearing, is a companion ordinance to this rezoning and adopts the Comprehensive Plan map amendment change to the Urban Residential future land use category. If these two Ordinances are adopted as scheduled, they will become effective on approximately November 30, 2012. This Ordinance was introduced at the June 13, 2012 City Commission meeting.

This rezoning is in a posture for final action by the City Commission. The Planning Department and City Treasurer-Clerk's Office advertised the application consistent with State Statutes and the Land Development Code.

OPTIONS

1. Adopt Ordinance No. 12-Z-25 amending the Official Zoning Map from the Residential Preservation – 2 District to the R-4 Urban Residential District.
2. Do not adopt Ordinance No. 12-Z-25 and retain the current Residential Preservation – 2 zoning designation.

ATTACHMENTS/REFERENCES

Attachment #1: Ordinance No. 12-Z-25

ORDINANCE NO. 12-Z-25

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING AND INCLUDING ADDITIONAL TERRITORY AS AND IN THE R-4 URBAN RESIDENTIAL DISTRICT ON THE OFFICIAL ZONING MAP OF THE CITY OF TALLAHASSEE ADOPTED AND ESTABLISHED BY THE CITY COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE,
FLORIDA, AS FOLLOWS:

SECTION 1: On October 24, 2012 the City Commission approved Ordinance No. 12-O-35, which adopted Comprehensive Amendment #PCM120102. To implement plan amendment #PCM110102 the property which is the subject of that amendment, shown as Residential Preservation on the map, attached hereto as Exhibit A, must be rezoned. Accordingly, the following described part or area of the City of Tallahassee and the same is hereby changed from RP-2 Residential Preservation District and hereby designated and established as R-4 Urban Residential District on the official zoning map of the City of Tallahassee adopted and established by the City Commission.

12-Z-25: From Residential Preservation – 2 District to the R-4 Urban Residential District:

Those properties shown as Residential Preservation on the map attached hereto as Exhibit A.

SECTION 2. The Mayor and City Treasurer-Clerk are hereby directed to designate and include the above-described area in the City of Tallahassee on the official zoning map of the City of Tallahassee adopted and established by the City Commission.

SECTION 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

SECTION 5. The effective date of this ordinance shall be the effective date of comprehensive plan amendment PCM120102.

INTRODUCED in the City Commission on the 13th day of June, 2012.

PASSED the City Commission on the 24th day of October, 2012.

CITY OF TALLAHASSEE, FLORIDA

John Marks, Mayor

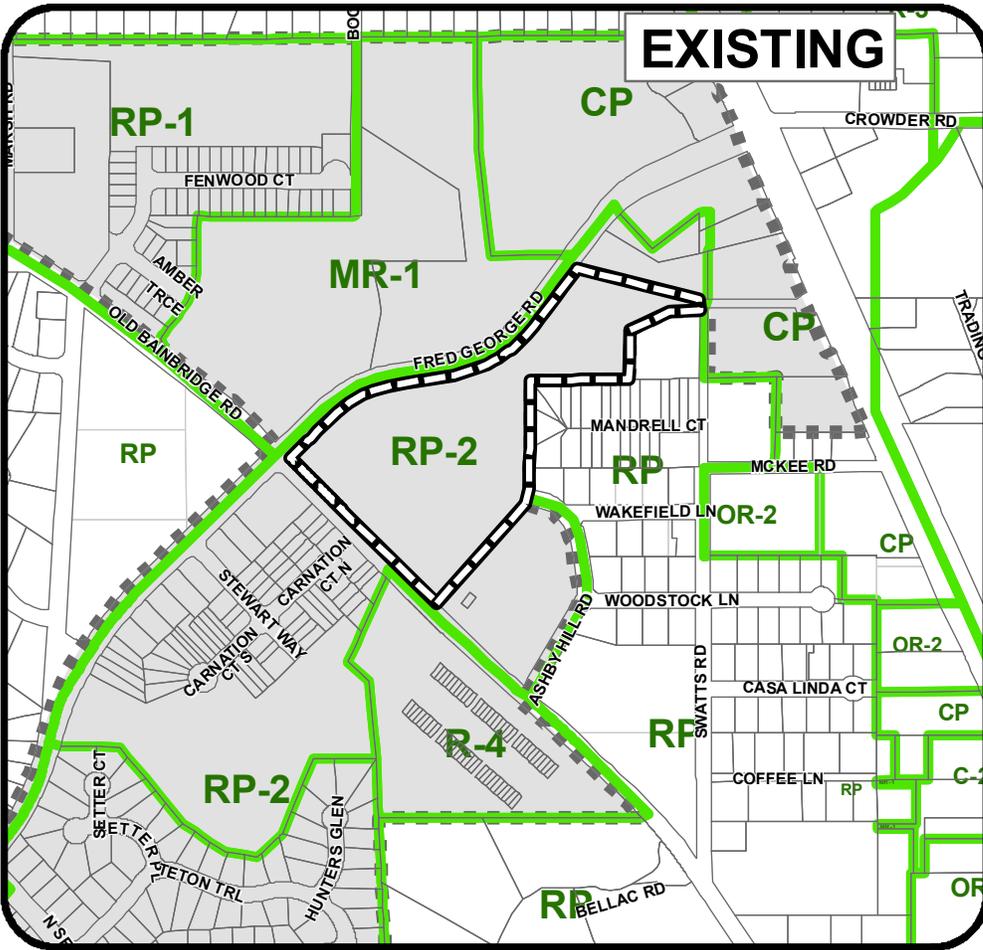
ATTEST:

APPROVED AS TO FORM:

James O. Cooke, IV
Interim City Treasurer Clerk

James R. English, City Attorney

EXISTING



ZONING

Legend

-  Subject Parcel
-  City Limits
-  zoning

AMENDMENT PCM120102 LOCATION

Existing
Residential Preservation 2

Proposed
Residential 4

SITE TAX ID:
21-09-20-001-0000

PROPOSED

