



MEMORANDUM

*Tallahassee-Leon County
Planning Department*

DATE: November 20, 2006
TO: Honorable Chairman and Members of the Board
FROM: Wayne Tedder, Planning Department Director *W.T.*
SUBJECT: CONA Recommendations Regarding Residential Preservation

As you are aware, the Council of Neighborhood Associations (CONA) has submitted recommendations (Attachment #1) to ensure greater awareness of land use change proposals (Comprehensive Plan amendments and rezonings) and other recommendations that they feel would provide greater protection of the community's neighborhoods. In an effort to begin dialogue with CONA, I have provided a response to their recommendations (Attachment #2). My staff will also be meeting with representatives from CONA to address the neighborhood protection issues that you approved to be a part of the Comprehensive Plan Evaluation and Appraisal Report (EAR) that must be transmitted to the Department of Community Affairs (DCA) by July 2, 2007. Some of CONA's issues are very similar to those issues identified in the EAR scoping process and must be addressed in the EAR.

The recommendations from CONA will require policy direction by both the Board and the City Commission. The City Commission's Long Range Target Issue Committee consisting of Commissioners Gillum and Lightsey are in the process of reviewing the recommendations and providing staff direction.

Please let me know if you have any questions regarding this matter.

WT/cg
Attachments

cc: Parwez Alam, County Administrator
Anita Favors Thompson, City Manager
Vincent S. Long, Deputy County Administrator
Michael Wright, Assistant City Manager
Herb Thiele, County Attorney
Jim English, City Attorney



August 21, 2006

RE: CONA Suggested Protections for the Residential Preservation Land Use Category

Dear Commissioner Gillum:

The Tallahassee / Leon County Council of Neighborhood Associations (CONA) has established a committee to develop policies intended to strengthen Residential Preservation categories in the Tallahassee-Leon County Comprehensive Plan. CONA will recommend these policies to the Leon County and Tallahassee City Commissions. The recommendations will include amendments to the Comprehensive Plan's Land Use Element and ordinances related to land use regulations. A CONA representative has already met with your planning staff to discuss ways we might initiate and implement a planning process that can help us maintain our quality of life as Tallahassee continues to grow.

CONA has strongly supported the city and county's efforts to promote quality neighborhoods. Between 1990 and 2005, the city and county, with our support and encouragement, added numerous policies that recognize the importance of neighborhoods and the importance of protecting them from commercial encroachment, incompatible land uses on their borders, and incompatible design standards. Our only regret at this point is that more specific standards have not been added.

Your staff suggested that we work through the coming Evaluation and Appraisal Report (EAR) process to address our concerns. While we intend to participate in this process, we also believe that Comprehensive Plan goals and policies 2.1, 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5, and 2.1.6 do an excellent job of creating the basis for the type of detail we seek. The EAR process provides an opportunity to enhance these goals and policies. We have also examined the current neighborhood planning process which, while useful, is only advisory and does not contain the type of enforceable protections we seek. In addition, we believe that Residential Preservation can be strengthened by modifying current land use regulations.

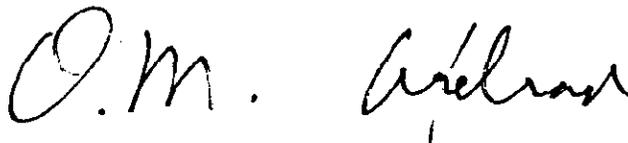
Our members met to discuss this situation after meeting with your staff as noted above. We believe work with your staff should begin immediately to address the following

issues: (1) expanding of the notice requirements involving use changes from 500 feet to at least 1,500 feet, and from 21 calendar days in advance to 30 calendar days in advance; (2) giving a 30 day notice of any use changes to affected registered neighborhood associations; (3) increasing buffers from 30 feet to at least 100 feet with a two-story height limit and 200 feet with a three-story height limit; there should also be requirements for fencing, vegetation, and other features which will mitigate the effects of traffic, lighting, and noise; these requirements should follow the land regardless of ownership; (4) requiring setbacks and minimum vegetation to be retained on individual lots; (5) requiring compatible design standards; (6) restricting commercial encroachment into residential neighborhoods; and (7) restricting ancillary uses of religious facilities.

Further, fees for rezoning and Comprehensive Plan amendments intended to change Residential Preservation to any other category are too low. Fees that change uses from residential to commercial should be higher, and fees should increase with the size of the parcel. Finally, changing a Residential Preservation category to any other category should require "super-majority" votes of the City (4-1) and County (5-2) Commissions.

We would like your guidance and support to immediately begin the process to put into place the protections we seek as quickly as possible. Above all else, we want to avoid having another 15 years pass before meaningful and specific neighborhood protection strategies are put into effect. We look forward to hearing from you at your earliest convenience. Thank you for your time and consideration.

Sincerely



Don Axelrad, President
Tallahassee / Leon County Council of Neighborhood Associations (CONA)

And representatives from the following neighborhoods:

Arendell Hills	Lafayette Oaks
Betton Hills	Lafayette Park
Brandon Woods	Myers Park
Charter Oak/Dellview	Northwest Tallahassee
Greater Brandt Hills	Old Town
Hartsfield Village	Southeast Leon County
Jake Gaither	Waverly Hills

Cc: Wayne Tedder

Response to CONA
Suggested Protections for the Residential Preservation Land Use Category

Below are the recommendations that CONA has provided in response to protecting Residential Preservation areas in the City and County. Planning Department staff has reviewed the recommendations and provided a response to each of the recommendations. Staff has provided possible solutions where appropriate.

1. Expand the notice requirements for land use map changes (and rezonings) from 500 feet to at least 1,500 feet and from 21 calendar days in advance to 30 calendar days in advance of the first public hearing (Planning Commission).
2. Give a 30 day notice of any use changes to affected registered neighborhood associations.
3. Increase buffers from 30 feet wide to at least 100 feet wide with a two-story height limit and 200 feet with a three-story height limit: there should also be requirements for fencing, vegetation, and other features which will mitigate the effects of traffic, lighting, and noise.
4. Require setbacks and minimum vegetation to be retained on individual lots.
5. Require compatible design standards.
6. Restrict commercial encroachment into residential neighborhoods.
7. Restrict ancillary uses of religious facilities.
8. Increase rezoning and Comprehensive Plan map amendment fees for properties proposing to be removed from the Residential Preservation Land Use Category.
9. Require a super-majority vote of the City (4-1) and County (5-2) Commissions for properties that proposing to be removed from the Residential Preservation Land Use Category.

Planning Department Response:

1. Expand the notice requirements for land use map changes (and rezonings) from 500 feet to at least 1,500 feet and from 21 calendar days in advance to 30 calendar days in advance of the first public hearing (Planning Commission).

Often times, land use changes do affect areas larger than 500 feet from the request site. However, such impacts beyond the 500 feet are generally related to only additional traffic within the area. It would be appropriate to increase the notice along access routes to the request site for a distance of 1,500 feet. However, such distances should not be required if the site is separated by a major collector and/or arterial road. If notification requirements are increased, then staff would recommend increasing the notification fees included in the application.

It should be noted that a notice of all rezonings are sent to CONA (CONA@econa.org) in an effort to broaden notice requirements. Staff will also send a notice of all Comprehensive Plan Amendments to CONA in the future. CONA could assist staff in providing and maintaining an active email distribution list of all neighborhood associations so that all associations receive the notices directly.

2. Give a 30 day notice of any use changes to affected registered neighborhood associations.

Approximately 4 years ago the City and County reduced the notification of items that must appear before the Planning Commission from 30 days to 21 days. This was an effort that addressed concerns from the development community who indicated that the permit and development approval time took too long. While the notice period for Planning Commission meetings is only 21 days, the notice for the City and County Commission meetings is at least 30 days.

3. Increase buffers from 30 feet wide to at least 100 feet wide with a two-story height limit and 200 feet with a three-story height limit: there should also be requirements for fencing, vegetation, and other features which will mitigate the effects of traffic, lighting, and noise.

Residential Preservation 1 and 2 (RP-1 and RP-2) zoning districts allow maximum building heights of 35 feet. It is possible to achieve up to 3-story homes in these districts. It is my understanding that the reason for the requested buffers was to ensure privacy of adjoining residential preservation properties. The current buffer standards in the zoning code are based on compatibility rather than privacy. The more incompatible the use is, then more buffering is required.

Smart growth principles encourage more intense development in areas where infrastructure is available. Additionally, smart growth principles encourage goods and services within walking distance of neighborhoods. Where these goods and services are located near neighborhoods, they need to be integrated with the community and not be blight in the community. Great design standards are key to addressing this issue. The Neighborhood Boundary Future Land Use Map Category (and Neighborhood Boundary Office Zoning District) addresses many of the compatibility standards. The flaw may simply be that before neighborhoods accept these uses adjacent to their neighborhoods, they actually want to see exactly how they will fit in their community. I believe we need for CONA to verify and approve the list of standards that are included in the Neighborhood Boundary Category, generate additional standards that may be needed to address outstanding issues, and then address the process that will provide assurance to neighborhoods that all issues will be addressed before any land use changes are made.

Buffers for light industrial land uses adjacent to residential areas should be increased. The current minimum standard is a 30-foot wide Type D buffer. A buffer of 100 feet wide for these types of uses adjoining residential areas is appropriate. Buffer standards for regional (or greater than immediate community) commercial uses may also need to be addressed. However, there needs to be a very strong interconnection (vehicular and pedestrian) from the surrounding residential areas to the commercial uses.

4. Require setbacks and minimum vegetation to be retained on individual lots.

See response to #5 below.

5. Require compatible design standards.

Every neighborhood is unique. It would be an impossible task for the City and County to develop standards for each neighborhood. In existing neighborhoods, this issue should be addressed by the individual neighborhood to ensure compatibility with the rest of the neighborhood. The Planning Department could assist CONA with a boilerplate of compatibility factors such as height, setbacks, orientation (building and parking), etc. Such standards could be incorporated into NOA covenants and restrictions.

See response to Number 3 above for design standards for developments adjacent to the Residential Preservation communities.

6. Restrict commercial encroachment into residential neighborhoods.

In order to address this issue, a well-defined set of criteria needs to be established that defines what a neighborhood means. To some, it means a more broad area than their subdivision. To others, it means only their subdivision. Smart growth principles mean that we place goods and services close to neighborhoods. If planned correctly, the services could be placed in the center of the neighborhoods. New and larger developments have the ability to plan ahead and include these "town centers." The Planning Department does not support placing non-residential uses in the middle of platted and stable residential subdivisions. However, there are occasions where services are most appropriate at the edges of such subdivisions, especially along collector and arterial roadways. We must look toward opportunities that encourage smart growth. The Neighborhood Boundary category provides for these opportunities. This category also provides significant design standards when adjacent to residential areas.

7. Restrict ancillary uses of religious facilities.

Many districts, including the Residential Preservation category, limits intensity of non-residential uses in terms of impervious surface area. For example, a 2 acre parcel is limited to only 40% impervious area (34,848 square feet – This includes building and parking). Accessory uses are limited to 33% of the principle structure. It would be possible to have a 10,000 square foot building on a 2 acre site and 3,300 square feet could be dedicated as an ancillary use. If the site is 20 acres, then 348,480 square feet of the site could be impervious. Likewise, it could be possible to place a 100,000 square foot building on the site and include a 33,000 square foot accessory use.

In order to address the potential size of accessory uses, a possible solution is to establish a building maximum size and ancillary use size. Please note that adding such restrictions could make a number of previously approved land uses non-conforming. I do not support increasing the number of nonconforming uses unless there is a clear and broad consensus that the community desires to see the uses removed from the property. This is a significant challenge and may not be productive to address.

8. Increase rezoning and Comprehensive Plan map amendment fees for properties proposing to be removed from the Residential Preservation Land Use Category.

The current fees included in applications do not cover staff time necessary to process the applications and the public notification required. Rezoning application fees (Approx. \$1,300 and up) are more costly than Comprehensive Plan Map amendment fees (\$200). Because Senate Bill 360 (Legislation adopted in 2005) requires additional reporting requirements for Map amendments, staff is recommending that the applicant complete the additional requirements (i.e., concurrency analysis, water and sewer studies, school concurrency, etc.) at time of application submittal. Therefore, it is expected that such applications will cost more to complete. Even under this scenario, the current fee structure will not cover the costs to process and notice the applications.

9. Require a super-majority vote of the City (4-1) and County (5-2) Commissions for properties that proposing to be removed from the Residential Preservation Land Use Category.

This is a policy issue that will need to be addressed by the City and County Commissions.

There are additional concerns

There are areas that should not be designated as Residential Preservation. There are large parcels that are not a part of any subdivision. Some of these parcels are located along collector and arterial roads and could serve as infill development opportunities. Additionally, there are a number of properties that are designated as Residential Preservation, but the uses and/or densities are not consistent with the Residential Preservation category or zoning districts. These uses are deemed to be nonconforming and as such limits reinvestment opportunities on these properties. Essentially, lending institutions will not grant loans for rehabilitation work or for use changes (i.e., selling an existing commercial building for another commercial use) when the use is nonconforming with the Zoning Code and Comprehensive Plan.

There should be a clear distinction between Residential Preservation 1 and 2 zoning districts in the Comprehensive Plan. The Residential Preservation Future Land Use Map category allows up to 6 dwelling units per acre. Additionally, the Comprehensive Plan identifies low density residential as 0-8 dwelling units per acre. Therefore any Residential Preservation zoning district (including PUD's) that is consistent with the uses and densities of the Residential Preservation Land Use category is consistent with the Comprehensive Plan. However, the use and the density could be "different" or more intense than the surrounding residential preservation properties.