

BOARD OF COUNTY COMMISSIONERS
JOINT WORKSHOP
CYCLE 2007-2 COMPREHENSIVE PLAN
AMENDMENTS
OCTOBER 9, 2007
Draft

The Board of County Commissioners met for a Joint Workshop on Cycle 2007 Comprehensive Amendments in the County Commission Chambers on Tuesday, October 9, 2007 at 1:30 p.m.

Present were County Commissioners DePuy (Chairman), Dailey, Sauls, Desloge, Rackleff, Proctor, and Thaell. City Commissioners present were Katz, Mustian, Marks, and Lightsey. Also present were County Attorney Thiele, County Administrator Alam, and City Attorney Hudson.

The joint workshop was called to order at 1:37 p.m. and was for the purpose of considering Cycle 2007-2 Comprehensive Plan amendments.

Facilitator: Fred Goodrow, Tallahassee-Leon County Planning Department.

Commissioner Sauls moved and was duly seconded by Commissioner Dailey to accept the County's position on the Consent Items. Commissioner Rackleff stated that he does not support amendment PCM070206 (amendment change from recreation/open space to Governmental Operational on 42 acres on Easterwood Drive/Tom Brown Park). He indicated that this would result in loss of valuable open space and recreational space which is valuable to the county.

Commissioner Dailey inquired about the proposed City/County interlocal agreement on this issue.

Commissioner Sauls amended her motion to approve the Consent Items with the exception of Amendment Number PCM070206. The motion carried unanimously 7/0. See list of amendments in Consent Items below (with the exception of amendment PCM070206):

PCM070201 (City-County approve) – Future Land Use Map – Proposed map amendment change from Residential Corridor to Residential Corridor Node on 10.3 acres fronting on Mahan Drive and Dempsey Mayo Road

PCM070202A (City-County approve) – Future Land Use Map – Proposed Map amendment change from Suburban to Recreation/Open Space 2.9 acres located on the east side of Lake Bradford Road at its intersection with Walcott Street

PCM070202B (City-County approve) – Future Land Use Map – Proposed map amendment change from Rural to Recreation /Open Space on 328.6 acres located at the southeast corner of Baum and Buck Lake Roads

PCM070205 (City-County approve) – Future Land Use Map – Proposed map amendment change from Residential Preservation to Urban Residential on 2.07 acres located at the southwest corner of the intersection of Ox Bottom and Thomasville Roads

PCM070207 (City-County approve) – Future Land Use Map – Proposed map amendment change from Residential Preservation to Urban Residential on 1.12 acres located at the southeast corner of Springhill and Springsax Roads

PCT070207 (City-County approve) Land Use Element – Proposed text amendment change modified Policy 2.1.9, providing a sunset date of 2/1/09 for the non-family heir provision. The amendment also simplifies comp plan language related to family heir Policy 2.1.9 subdivision

City Commissioner Mustian moved, duly seconded by Commissioner Katz and carried unanimously, 5/0, to accept the City's position on the amendments on the Consent Items with the exception of Amendment PCM070206.

(See above description)

PCM070201 (City-County approve)

PCM070202A (City-County approve)

PCM070202B (City-County approve)

PCM070205 (City-County approve)

PCM070207 (City-County approve)

PCT070207 (City-County approve)

The Commissions then entered discussion of Amendment PCM070206 (Future Land Use Map) Proposed map amendment change from Recreation/Open Space to Government Operational on 42 acres fronting on Easterwood Drive adjacent to the Animal Service Center.

Mr. Alan Rosenzweig, Assistant County Administrator, appeared and explained that at the last County workshop, the Board directed staff to draft an interlocal agreement. It was recommended that all property on the other side of the power lines be moved towards a bike trail as a formal part of Tom Brown Park. County staff met with the City Manager and the draft interlocal agreement was sent to the City earlier this week and they are awaiting a response. County

Administrator Alam noted that there are plans for City Traffic Control Building, Joint Dispatch building, and Red Cross Building, although funding has not been earmarked for the joint dispatch. City Commissioner Lightsey pointed out that the building should not be referred to "joint dispatch" at this time.

City Commissioner Mustian moved, seconded by City Commissioner Katz and carried unanimously, 5/0, to approve, in concept, Amendment PCM070206.

County Commissioner Desloge moved, seconded by Commissioner Dailey to accept in concept, Amendment PCM070206.

County Commissioner Thael talked about the design and wanted to know about design and retention of the stormwater facilities. It was noted that the motion was to approve conceptually. Staff would bring back conceptual information on handling the water on the subject property.

Commissioner Rackleff indicated that this not only involves 10 acres but future expansion and this would be dismantling the park system. He indicated that there should be some reverter clause in the interlocal agreement for Red Cross using the property.

The motion on the floor carried 6-1 (Commissioner Rackleff voted in opposition). Commissioner Desloge suggested that the bike community be involved as the interlocal agreement is put together.

PCM070204 (Future Land Use Map) Proposed map amendment change from Urban Fringe to Residential Preservation and bring inside the USA on 119.82 acres lying east of Hill N Dale Drive and bounded on the north by Interstate 10.

Mr. Wiebler explained that the Planning Department recommended approval with three caveats: development agreement that included all urban services; specify of minimum of 2 units per acre be developed on site; all traffic issues identified by County GEM be addressed.

Commissioner Proctor moved to adopt the amendment with the recommendation of the Planning Department. The motion was declared dead for lack of a second.

City Commissioner Lightsey pointed out that it was her understanding that today both Commissions were going to have a major discussion about urban sprawl. Staff was recommending this because of all the problems with the language currently in urban fringe, bad decisions in the past that has brought the County to this point, and the need to correct the underlying language problems.

Commissioner Lightsey stated that she did not see anything in the agenda materials about this; there is no valid information and this would be moving the USA line, and involves a policy decision. She indicated that the Commissions

should not be talking about density until they decide about the USA line, and at this point there was no justification to move the USA line.

Commissioner Thaelle stated that he concurs with Commissioner Lightsey and suggested that this discussion should take place in a specified workshop.

Commissioner Thaelle moved and was duly seconded by Commissioner Rackleff to deny this text amendment.

Commissioner Proctor talked about the 10-year deadline and meeting the urban service requirement. Mr. Tedder responded that this refers to the development agreement to effectuate this amendment. If the Commission transmits the amendment to DCA, there would be a Chapter 163 agreement which would be valid for 10 years and services will have to be on site for the project to move forward.

Commissioner Proctor moved a substitute motion to follow staff's recommendation. The motion failed for lack of second.

The motion on the floor remains which is to deny the amendment.

Mayor Marks indicated that Commissioner Lightsey had a valid point and suggested having substantive discussions and determine where the city and County is going within the USA boundaries; some of the things related to this are apparently confusing to staff and need to be clarified. Neighborhoods and developers should have a clear understanding of what the City/County is going to do and perhaps a workshop is necessary.

City Commissioner Katz inquired about the recommendation process. Mr. Tedder clarified that when an application gets submitted through this process, staff's recommendation cannot be based on philosophy, but solely on policy in the Comprehensive Plan, although it can be confusing at times. He further explained that there have been other initiatives that have gone through the process such as infrastructure phasing and dealing with urban fringe in these infrastructures. It is based on those types of policies which are presented to the City and County Commissions.

City Commissioner Katz added that staff's recommendation is predicated on staff's view of the application in the concept of existing policy and prior actions of the two bodies; the bodies (Commissions) have the option of maintaining the policy or changing the policy. Mr. Tedder concurred that this was accurate. Commissioner Katz pointed out that at a certain level, the Commissions must decide where they are going and bring closure to the issue with a finite time frame; people need to know the rules and have clarity. He stated that if this item is deferred, the community should be notified of the status.

Commissioner Dailey stated that there were a lot of unanswered questions and he would like to know how the City feels on issues such as central sewer, etc., and he would be in favor of deferring the issue. Commissioner Dailey requested that Mr. Tedder explain traffic concurrency and the current situation on the proposed amendment.

Mr. Tedder stated that under the State, the applicant must provide a transportation analysis based on full development potential of the property; this applicant chose to limit to 2 dwelling units per acre and base his traffic analysis on that, which the State will accept. In this particular case, when traffic is reviewed by Public Works and GEM, if there are impacts on roadways, the applicant will fix the problematic areas. In this case if there is not a project to fix the areas in the current County Capital Improvement Program, then the developer, through the development agreement, would pay for it. If the project was in the County's Five Year Capital Improvement Program, then the applicant would pay their fair share of that improvement. Mr. Tedder clarified that anyone who comes through the system, whether it is site plan or Comprehensive Plan amendment, if they trigger impacts to the roadway, they either fix it, pay their fair share or they do not get approved.

There was some discussion on the current use that would be allowed on the subject property.

Commissioner Dailey moved a substitute motion to defer/continue the item until they have more discussions or at least written correspondence, noting that there are major variables issues. Commissioner Desloge seconded the motion.

City Commissioner Mustian indicated that at the next cycle, there should be definitive suggestions for changing; currently as it stands and simply put, if they extend sewer to the urban fringe, it gets to be developed at a higher density.

Mayor Marks advised that staff should outline and have a guideline on what they believe are the appropriate changes that would help the Commissions based on discussions they have had so far.

City Commissioner Mustian suggesting re-looking at the conservation subdivision – he wanted to know if is unilateral on the City's part to extend sewer to foster conservation subdivision, giving them 119 units. He stated that they have been caught in the middle of the Comp Plan on a major comp plan adjustment and deferring means to deny the amendment.

City Commissioner Mustian moved and was duly seconded by Commissioner Lightsey to deny the amendment.

County Commissioner Sauls indicated that there are unanswered questions of staff and wanted to know if the City would make sewer available under the water

and sewer agreement if the applicant meets conditions (and Talquin would provide water and electric). Mayor Marks stated that he needs clarification and raised the question: what circumstances would the City be willing to provide water and waste water services.

Commissioner Proctor wanted to know that since the applicant came in under the current standards/policy, would they be grandfathered in while the Board is having a philosophical debate. County Attorney Thiele responded that they would not if they are denied.

City Commissioner Lightsey stated that the USA line is not a philosophical discussion but it is policy and the question tonight is whether to move the USA line so development can take place on the subject property. She pointed out that this is the middle of a Comp Plan cycle and recommended moving forward, deny the request, and take up substantive Comp Plan infrastructure discussions; get those issues resolved and whatever amendments staff believes should be made in the urban fringe need to come in the next Comp Plan cycle.

Commissioner Rackleff suggested that there is no point in deferring because the question before the Commissions is should they move the urban services boundary which is the largest area added to the urban services area. He indicated that the item should not be deferred, but denied; they reaffirmed it in the EAR process last year and the urban services boundary is where it is because of the fiscal impact of sprawl.

The substitute motion to defer amendment PCM070204 carried 5 – 2 (Commissioners Thaeil and Rackleff voted no).

City Commissioner Katz offered a friendly amendment to defer the amendment and City Commissioner Mustian accepted. The motion carried 3-1 (Lightsey opposed).

City Commissioner Katz stated that during the interim the developer and neighbors may reach a compromise and Commissioners could have substantive discussions. Both Commissions should express to staff what they think should be done and give it high priority.

It was noted that the transmittal hearing would be conducted in November.

Commissioner Proctor requested a copy of memorandum from City Commissioner Lightsey regarding urban fringe.

Mr. Tedder wanted to know how to deal with the issue, that he has concerns that the City is directing him to address the issue when the comp plan amendment affects predominately the County.

Commissioner Dailey raised questions: what is the City's view of expanding infrastructure including sewer – more information is needed; it is a mute point if the City does not provide infrastructure. He felt the plans for the next couple of decades should be put in writing. Commissioner Dailey stated that if there is not the political will to look at altering existing policies about densities allowed in urban fringe, then time and energy should not be spent in preparing information.

County Commissioner Thaelle stated that the existing urban service area contains enough vacant properties to absorb the projected growth for the next 50-80 years, so the proposed amendment is not sensible.

Commissioner Rackleff moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to continue action on the following remaining Comp Plan amendments to the transmittal hearing.

PCT070202; PCT070203; PCT070204; PCT070205; PCT070206

County Chairman DePuy asked Mr. Goodrow that when he schedules the transmittal hearing, that it not be scheduled on the same day as a Board meeting due to time constraints.

There being no further business to come before the Board, the workshop adjourned at approximately 2:45 p.m.

Approved: _____
C. E. DePuy, Jr.
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court