



Leon County

Board of County Commissioners

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Growth and Environmental Management Department
Development Services Division
Renaissance Center, 2nd Floor
435 N. Macomb Street
Tallahassee, Florida 32301-1019
Phone (850) 606-1300

May 27, 2009

RE: Summerfield PUD Phase I final plan (LSP080042) Type A site and development plan development application; pertaining to property with parcel identification numbers: 21-04-51-000-0120 and 21-04-51-000-0122

To Whom It May Concern:

As the duly authorized designee of the County Administrator for Leon County, Florida, I have signed and executed the enclosed development order for the above-referenced Type A site and development plan application on the behalf of Leon County. The development order approves the application subject to conditions.

Pursuant to Section 10-7.403.11(f) of the Leon County Land Development Code, this decision shall become final fifteen (15) calendar days after it is rendered unless a person who qualifies as a party, as defined in Article VII of Chapter 10 at Division 7 of this Code, has filed comments in response to subsection (e), and shall also have filed a notice of intent to file a petition for formal proceedings, together with the filing fee within this time period, and subsequently files within thirty (30) calendar days after the decision is rendered, the petition for formal proceedings, before a hearing officer. Failure to file is jurisdictional and will result in a waiver of the hearing. Appeals heard by a special master will be conducted in accordance with the procedures outlined in section 10-7.414. Upon receipt of the special master's recommended order, the Leon County Board of County Commissioners shall take up the matter pursuant to Section 10-7.416 of the LDC. Appeals of the Board of County Commissioners decision shall be reviewable by the Circuit Court.

This site and development plan approval shall remain in effect until full development build-out (and until transfer of ownership of all created lots, if applicable). **However, this approval shall expire if: substantial and observable development has not begun within two years of the date of approval; or, substantial and observable development ceases for a period of three years before the project is complete and certificates of occupancy have been issued.**

The Leon County Board of County Commissioners will review this site and development plan application at their meeting of June 9, 2009, for compliance with conditions set out in the Summerfield PUD Concept Plan, Ordinance 04-40. The meeting will be held at the Leon County Commission Chambers, 5th Floor of the Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida.

Sincerely,



Adam Antony Biblo, AICP, ULI
Development Services Director

cc: Mark Stamps, Talquin Electric Cooperative
Mike Waters, Leon County Property Appraiser's Office
Butch Callahan, Leon County Schools
Michael Lindert, Aquifer Protection
Maurice Majszak, Tallahassee Fire Department
Herbert W. A. Thiele, County Attorney
Laura Youmans, Assistant County Attorney
Parwez Alam, County Administrator
Vincent S. Long, Deputy County Administrator
Tony Park, P.E., Director, Department of Public Works
Wayne Tedder, Director, Tallahassee-Leon County Planning Department
Russell Snyder, Land Use Administrator, Tallahassee-Leon County Planning Department
David McDevitt, Director, Department of Growth and Environmental Management
John Kraynak, Director, Environmental Compliance Division
Nawfal Ezzagaghi, Environmental Compliance Supervisor
Ed Jarriel, Deputy Building Official
Lisa Oglesby, Addressing Program Team Leader
Ryan Culpepper, Development Services Administrator, Development Services Division
Weldon Richardson, Planner II, Development Services Division
Summerfield PUD, LLC, 2750 Old St. Augustine Road, Tallahassee, FL 32301
Summerfield PUD II, LLC, 2750 Old St. Augustine Road, Tallahassee, FL 32301
Sellers Consulting, LLC, 525 John Knox Road, Suite B, Tallahassee, FL, 32303
George E. Lewis III, 203 N. Gadsden Street, Number 6, Tallahassee, FL 32301
Valerie Jones, 3274 Skyview Drive, Tallahassee, FL 32303
Joanne Kowal, 4871 Old Bainbridge Rd. Tallahassee, FL 32303
Pat Wright, 4480 Cool Emerald Drive, Tallahassee, FL 32303

**LEON COUNTY DEPARTMENT OF GROWTH & ENVIRONMENTAL MANAGEMENT
PRELIMINARY DEVELOPMENT ORDER**

DEVELOPMENT APPLICATION: Summerfield PUD Phase I final plan (LSP080042) Type A site and development plan development application

DATE: May 27, 2009

APPLICATION SUMMARY:

APPLICANT: Summerfield PUD LLC and Summerfield PUD II LLC.

SUBJECT PROPERTY (PARCEL TAX ID NOS.): 21-04-51-000-0120 and 21-04-51-000-0122

TYPE A APPLICATION STAFF REVIEW: This report provides the findings and decision of the Director of the Development Services Division of the Department of Growth and Environmental Management on the behalf of Leon County, Florida, regarding whether the above-referenced application should be approved, approved subject to conditions, or denied. **The findings set out herein are based on the application submitted on January 14, 2009, and any related revised or supplementary materials, including the revised narrative, dated January 12, 2009, and site plan, dated January 5, 2009.**

FINDINGS:

Finding #1. Criteria used to determine whether the application is eligible for approval.

The application has been reviewed to determine compliance with applicable provisions of the Leon County Land Development Code (Chapter 10, Leon County Code of Laws) and the Summerfield Planned Unit Development Concept Plan (which was adopted by ordinance and which sets out the applicable zoning district standards). In undertaking this review, emphasis has been placed on evaluating whether this application meets the criteria set out in Section 10-7.108, consistency with comprehensive plan; and, in Section 10-7.407, Site and development plan review criteria. Section 10-7.108 provides as follows:

Sec. 10-7.108, Leon County Land Development Code, Consistency with comprehensive plan.

(a) All proposed subdivision or development shall be designed to be consistent with the adopted comprehensive plan, as amended.

(b) All proposed subdivisions or development shall be designed to comply with at least the county zoning, building regulations, concurrency, and environmental management ordinances, and such other applicable land development regulations, ordinances, and policies, for the area in which the proposed subdivisions or development shall be located.

(c) In accordance with this article and other applicable requirements of the local comprehensive plan and county ordinances, land, proposed subdivision or site and development plans shall be suitable for the characteristics of the underlying land. Sites where topographic features, flooding potential, drainage, soil type or other site specific features are likely to harm neighboring landowners, future users of the subject property, natural resources or public infrastructure demand, shall not be developed and/or subdivided, unless adequate methods of mitigation or correction of the harm area formulated by the developer and accepted by the county.

(d) Any applicant subdividing land shall record an approved final plat in accordance with the requirements of this chapter.

(e) The adequacy of necessary public or private facilities and services for traffic and pedestrian access and circulation, solid waste, waste water disposal, potable water supply, storm water management, parks and recreation and similar public facilities and services, shall be considered in the review of all subdivision or development site and development plan proposals to assure the concurrency requirements of the local comprehensive plan and county ordinances are met.

(f) Unless installation of a required improvement is waived pursuant to Division 6, no final plat or certified survey shall be recorded until a site and development plan, as required by this article, has been approved, the required infrastructure or development improvements which are applicable to the subject parcel or parcels are completed or an appropriate surety instrument, as approved in advance by the county attorney, is posted, in accordance with the requirements of this article, and the terms and conditions of any applicable development order have been fulfilled.

(g) No parcel shall be approved for platting for any purpose unless it is suitable for a use permitted by Article VI. No parcel shall be approved for development unless it is consistent with the local comprehensive plan and contains an adequate development site, both in size for the use intended and in its relationship to abutting land uses.

Section 10-7.407, sets out the following criteria for approval:

1. Whether the applicable zoning standards and requirements have been met.
2. Whether the applicable provisions of the Environmental Management Act [Article IV of the Leon County Land Development Code] have been met.
3. Whether the requirements of Chapter 10 of the Land Development Code and other applicable regulations or ordinances which impose specific requirements on site and development plans and development have been met.

Finding #2. Compliance with Sec. 10-7.108, Leon County Land Development Code, Consistency with comprehensive plan.

2 a) Consistency with the Future Land Use Map. The vast majority of the subject site is designated Lake Protection on the Future Land Use Map (FLUM). All of the development proposed on the subject site is located in an area designated *Lake Protection* on the FLUM; an approximately 5,000 square foot portion of the subject site is designated *Residential Preservation* on the FLUM, however, no development is proposed within this portion of the subject site.

The application proposes 120 dwelling units at a density of approximately 6.1 dwelling units per acre (based upon the size of land area included in this application for Phase I). The note on page I-39 of the Comprehensive Plan clarifies the vested status of the subject PUD. The PUD allows a maximum of 317 dwelling units (312 multi-family and 5 single-family) in the MR component, at a maximum density of 11.04 dwelling units per acre. Therefore, the application is consistent with the Lake Protection Future Land Use Map category of the Tallahassee-Leon County Comprehensive Plan.

2 b) Special development zones (SDZs). Policy 2.2.12 of the Conservation Element of the Comprehensive Plan specifies development intensity limitations within SDZs A and B. Within Zone A, 5% of the overall site or 4000 s.f. may be disturbed. Within Zone B, 50% of the overall area must be left in a natural state. In reviewing this application, staff applied the requirements of Policy 2.1.12 as interpreted by the Circuit Court in its Order on Summary Judgment of May 4, 2006 in Case No. 2004-CA-2800. While this application was reviewed for consistency with this Order, statements contained herein should not be construed as a waiver of any rights to challenge said Order, or arguments made in support of its position in the aforementioned litigation. As measured over the entire PUD site (not solely Phase I), the application is consistent with the Comprehensive Plan requirements.

The proposed site and development plan is consistent with the Comprehensive Plan's limitations for SDZs, however, it should be noted that based upon the proposed application, future PUD development phases within the PUD will be severely limited in the amount of development that may occur where SDZ A exists (and much of the PUD does include areas in SDZ A). If this application were approved consistent with the Court's interpretation, the remaining allowable SDZ A disturbance area across the entirety of the Summerfield PUD would be only 0.47 acres.

2 c) Monroe Street (US Hwy 27) sidewalk location. Policy 1.8.2 of the Transportation Element states, "[w]here design criteria allow and safe operation will occur, separate bicycle and pedestrian traffic from vehicular traffic."

The proposed sidewalk and crosswalk placement crossing the drive aisle connecting to Monroe Street (US Hwy 27), as illustrated on sheets C-6 and C-9 of the site and development plan set is inconsistent with the policy direction.

Finding #3. Compliance with Sec. 10-7.108, Leon County Land Development Code, Consistency with comprehensive plan. Part (b) Compliance with land development regulations. This section specifies: All proposed subdivisions or development shall be designed to comply with at least the county zoning, building regulations, concurrency, and environmental management ordinances, and such other applicable land development regulations, ordinances, and policies, for the area in which the proposed subdivisions or development shall be located.

Except as noted in Findings # 2c), 7, 8, 9, 12, 14, 17, 18, 19, 20, 21, 22, 23 a) & b), 24, 25, 26, 27, and 28, the application demonstrates compliance with the land development regulations set out in the Leon County Land Development Code. If the application is revised, consistent with the conditions of approval set out below, issues of non-compliance articulated in these specific findings would be resolved and the application would be in compliance with the land development regulations of the Land Development Code. It should be noted that several of these findings relate to minor application deficiencies: Finding #7 pertains to inconsistencies in the representation of data pertaining to the amount and percentage of disturbed area proposed; Findings #8 and #9 pertain to inconsistencies with representation of landscaping islands (area and # of islands shown on the plan); Findings #19 and #20 refer to the omission of documentation from the utility of an approved concept plan, which is normally provided at a later stage in the development sequence; Finding #21 pertains to providing additional graphic information regarding building design to maintain aesthetics, which is more appropriately provided later in the development sequence; Finding #24 refers to an apparent oversight in the wording of proposed By-Laws; Finding #25 refers to omitted information relating to the illustration of the various PUD phase components; Finding #26 refers to requested information requested by Leon County Schools not yet provided by the applicant; Finding #27 refers to omission of labeling and dimensioning on the site and development plan; and, Finding #28 refers to the procedural requirement that this application proceed to the Board of County Commissioners

Finding #4. Compliance with Article IV of the Land Development Code, Environmental Management. Although the application demonstrates general compliance with the Article IV; Findings #5-#7 relate to these issues.

Finding #5. A Natural Features Inventory (NFI) is required for this project.

An amendment to the previously approved NFI (flood elevations) for this project (reference LEA03-0072) was approved on January 7, 2009 (reference LEA08-0069); therefore, the application demonstrates compliance with this requirement.

Finding #6. An approved Environmental Impact Analysis (EIA) is required for this project.

The applicant has submitted an EIA application (reference LEA 08-0057), and the review has been completed. Stormwater treatment has been provided above the floodplain to mimic pre-development conditions and to provide pollutant load reduction. The Department of Growth and Environmental Management approved the applicant's EIA on May 19, 2009, subject to the following conditions:

1. An executed conservation easement shall be provided as part of the environmental management permit application for the special development zone areas necessary for meeting the disturbance limitations. The easement shall be recorded within 30 days after Board approval.
2. Minor plan inconsistencies must be addressed in the environmental permit.

Finding #7. Sheet C-3 contains a table that requires clarification. The proposed percentage of disturbance to SDZ A is actually reflective of the amount of disturbed SDZ A area within the entirety of the Summerfield PUD zoning district divided by the total amount of SDZ A area within the entirety of the Summerfield PUD zoning district, and not just phase 1. See also, Finding #2(b).

Finding #8. Internal inconsistency in the application (number of landscape islands). The Site Data table included on Sheet C-5 references the number of provided interior landscape islands as 24 while the plan/drawing reflects a total of 19 islands.

Finding #9. Internal inconsistency in the application (amount of landscape area). The Landscape Data table included on Sheet C-7 references a total interior landscape islands area of 11,681 sq. ft., while the total area, based on the plan depiction, sums to 10,751 sq. ft.

Finding #10. Consistency with Summerfield PUD concept plan required. Section 10-7.407, Leon County Land Development Code, requires that a site and development plan application comply with other applicable ordinances which impose specific requirements on site and development plans -- the Summerfield PUD concept plan, adopted by ordinance (Ordinance 04-40), sets out applicable development standards, regulations, limits, and parameters for the development of the Summerfield Planned Unit Development zoning district, including that portion of the district in which the development included in the application is proposed.

Finding #11. Compliance with development standards set out in the PUD concept plan. The application represents development that would be located within the Summerfield Planned Unit Development (PUD) zoning district; the Summerfield PUD concept plan sets out applicable development standards for this zoning district. According to the site and development plan, it appears that the entirety of the development proposed in the application is located within the MR component area established by the Summerfield PUD zoning district and concept plan; however, it is not possible to perfectly distinguish between the boundaries of PUD components and the extent of the Phase I development, as illustrated on Sheet C-5 ("Site Plan") of the site and development plan.

The type of development proposed, multifamily residential dwelling units, and an associated clubhouse and office, comply with the list of permitted principal and accessory uses allowed within the MR component as set out in the PUD concept plan.

The intensity of development proposed, 120 multifamily dwelling units, equivalent to approximately 6.1 dwelling units per acre, and 4,800 square feet of office/clubhouse space, complies with the range of intensity allowed by the MR component; that is, a maximum of 11.0 dwelling units per acre and a maximum of 312 multifamily units.

The application also demonstrates compliance with all of the specific development standards set out explicitly within the MR component of the Summerfield PUD concept plan:

Minimum Lot Area:	N/A
Minimum Lot Width:	N/A
Minimum Lot Depth:	N/A
Minimum Front Building Setback:	25 feet
Minimum Side Corner Building Setback:	15 feet
Minimum Side Interior Building Setback:	15 feet
Minimum Rear Building Setback:	25 feet
Maximum Bldg. Height:	3 stories
Maximum Bldg. Size:	N/A

Finding #12: Compliance with concurrency management system requirements, Section 10-3.106, Leon County Land Development Code, Transportation concurrency. The applicant has received a final concurrency management certificate for the entirety of the potential development within the Summerfield PUD district; however, pursuant to that certificate and conditions of approval applicable to the PUD Concept Plan, the applicant is required to complete various transportation system improvements, including modifications to Fred George Road and to make a partial mitigation payment.

The agreement between Leon County and the developer, approved by the Board on October 11, 2005, stipulates that the modifications to Fred George Road be under construction prior to the issuance of any certificate of occupancy in conjunction with the proposed development. The applicant has not yet provided the partial mitigation payment of \$11,700 to Leon County and thus the proposed application does not demonstrate compliance with these requirements.

Finding #13. Compliance concurrency management system requirements, Section 10-3.106, Land Development Code; School Concurrency.

The proposed application demonstrates compliance with this requirement.

Finding #14. Buffer zone standards, Section 10-7.522, Land Development Code. The PUD Concept Plan requires a 20-foot wide landscape buffer adjacent to Monroe Street (US Hwy 27) and a required 30-foot wide Type D buffer zone between the MR component and adjacent components.

The proposed application demonstrates compliance with the 20-foot wide landscape buffer the proposed development's adjacency with the Monroe Street right-of-way. The application also includes annotation stating that the applicant bears responsibility for providing future landscape buffering, in accordance with the Land Development Code, between other phases of development, at the time of that development. Corresponding annotation is provided on sheet C-5, "site plan," but not on sheet C-7, "landscape plan."

Finding #15. Compliance with parking requirements, Section 7.A, Summerfield PUD Concept Plan. The Summerfield PUD district concept plan requires parking to be provided pursuant to the Land Development Code; the standard schedule of parking spaces required per multifamily unit is set forth in Schedule 6-2 of the Land Development Code.

Pursuant to Schedule 6-2, the proposed development of 120 multifamily residential units and a 2,400 square office has a standard requirement to provide 298 parking spaces. The application demonstrates compliance with this parking standard, by proposing 298 parking spaces.

Finding #16. Compliance with the vehicle and pedestrian circulation plan of the Summerfield PUD Concept Plan.

The application demonstrates compliance with this standard through the inclusion of annotation (on both sheet C-5, "site plan," and C-6, "vehicular and pedestrian circulation plan") that documents the applicant's responsibility for facilitating/completing a circuitous traffic route, consistent with the circulation system illustrated in the adopted PUD concept plan, to serve the MR component, in conjunction with future development within the PUD, and providing for interconnection to adjoining (but currently undeveloped) portions of the PUD.

Finding #17. Compliance with streets requirements, Section 3.Q, of the Summerfield PUD Concept Plan. Section 3.Q, of the Summerfield PUD Concept Plan requires a five-foot wide sidewalk to be constructed along the western right-of-way of Monroe Street (US Hwy 27) and the eastern boundary of the PUD. The site and development plan (application) has been revised from earlier drafts to demonstrate compliance with this standard by illustrating the provision of a five-foot wide sidewalk, pursuant to the Summerfield PUD Concept Plan, along the western right-of-way of Monroe Street and the eastern boundary of the PUD.

As proposed on the site and development plan, a significant portion of the sidewalk parallel to Monroe Street will be located on the "development side" or western side of the landscape buffer to be located between the development and Monroe street. As presently proposed, there would be no landscaping placed between this segment of the sidewalk and the travel way of Monroe Street. Although this issue could be conceptually addressed through the placement of additional landscaping between this segment of the sidewalk and the travel way of Monroe Street, staff has verified that Talquin Electric Cooperative has utilities (sanitary sewer force main) underground within the affected location, and that the planting of trees in this location would adversely impact the ability to maintain this infrastructure.

Accordingly, although the proposed location of the sidewalk generally described as parallel to and along Monroe Street is in compliance with the PUD Concept Plan, the specifically proposed location is not viable.

Finding #18. Compliance with requirements for safe pedestrian linkage pursuant to Section 10-7.502(3), Land Development Code. In those instances where the PUD concept plan does not set forth a specific development/design requirement, provisions of the Land Development Code shall be applied. The concept plan does not set out or illustrate specific internal sidewalk system design requirements; therefore, related requirements set out in the Land Development Code apply. In regard to facilitating pedestrian linkages, Section 10-7.502(3), specifies: "Within the Urban Service Area, non-residential and multifamily residential development shall provide safe and efficient linkages between building entrances and parking areas, adjacent of the development, and adjacent rights-of-way. At least one accessible route in accordance with the Florida Accessibility Code shall connect buildings to parking areas and adjacent rights-of-way.

The application partially demonstrates compliance with this standard by illustrating the provision of a five-foot wide sidewalk connecting all of the proposed multifamily units with the proposed clubhouse/office and (the sidewalk parallel to) Monroe Street (US Hwy 27); however, the proposed location of the pedestrian crossing spanning the access entrance connection from Monroe Street, shown on Sheets C-6 and C-9 is too close to the travel lanes of Monroe Street, placing pedestrians in unnecessary peril.

Finding #19. Compliance with requirements for public water supply, Section 10-7.523, Land Development Code. The proposed development will be connected to Talquin Electric Cooperative, central water system. The applicant has not furnished documentation that Talquin has approved a utilities concept plan.

At the Technical Review Staff meeting of January 28, 2009, Mr. Mark Stamps, representing Talquin Electric Cooperative articulated that: 1) the applicant would not be required to demonstrate satisfaction with this requirement at this time; 2) that satisfaction of the requirement is more appropriate during subsequent development stages, when finalized locations of structures and infrastructures have been set; and, 3) based upon his review of the application, it is anticipated that the applicant will obtain an approved utilities concept plan. Mr. Stamps informed the Committee that proposed locations of various electrical transformer equipment would require relocation.

Finding #20. Compliance with requirements for public sanitary sewer or on-site sewage disposal systems, Section 10-7.524, Land Development Code. The proposed non-residential development will be connected to the Talquin Electric Cooperative central sewer system. The applicant has not furnished documentation that Talquin has approved a utilities concept plan.

At the Technical Review Staff meeting of January 28, 2009, Mr. Mark Stamps, representing Talquin Electric Cooperative articulated that: 1) the applicant would not be required to demonstrate satisfaction with this requirement at this time; 2) that satisfaction of the requirement is more appropriate during subsequent development stages, when finalized locations of structures and infrastructures have been set; and, 3) based upon his review of the application, it is anticipated that the applicant will obtain an approved utilities concept plan. Mr. Stamps informed the Committee that proposed locations of various electrical transformer equipment would require relocation.

Finding #21. Compliance with development design in relation to natural features (Section 10-7.504, Land Development Code). The referenced section specifies the following design objective set out in this section:

Lots, streets and building sites shall be designed to maximize protection of natural features, protected trees, sites of historical significance, scenic views and similar assets.

The application's proposal with regard to roof-top design and aesthetics does not sufficiently demonstrate that scenic views in the area would not be adversely impacted by sight of extensive roof-top plumbing and mechanical features on the structures proposed by the application. Annotation on Sheet C-5 ("site plan") of the application states: "No roof-top plumbing or mechanical features other than [sic] required vent pipes, etc., will be allowed." This annotation does not sufficiently recognize or propose techniques that would: 1) combine multiple services into a limited number of vent pipes, flues, etc.; and, 2) locate roof-top mechanical equipment and structures in areas that are not visible or are less visible to the general public.

Finding #22. Article X Sections 10-10.101 through 10-10.309, Land Development Code, Aquifer protection.

Documentation received from the Aquifer Protection Office via e-mail on January 21, 2009, indicated that the application contained various deficiencies that required further response.

In that e-mail, Mr. Michael Lindert of the Aquifer Protection Office specified that for Aquifer Protection clearance to be granted, "This site will still require a demolition permit, a demolition/hazardous waste inspection, mitigation of any issues, and abandonment of the well in the Phase I area prior to any site work."

Per Leon County Aquifer/Wellhead Protection ordinance (Article X Sections 10-10.101 through 10-10.309, Land Development Code), any well and any hazardous waste issues identified during the required demolition permit inspection, including any septic tanks, must be mitigated prior to any site work commencing.

The e-mail added that Aquifer Protection can provide clearance contingent on mitigation of all issues prior to site work. This would allow the permitting process to continue forward and still hold the applicant accountable.

At the Technical Review Staff meeting of January 28, 2009, Mr. Lindert added that other potential hazardous waste sources were found on site during an inspection, including a fuel storage tank, and that such items would be required to be removed from the site to obtain clearance from the Aquifer Protection Office.

Finding #23. Fire and Emergency Services. The Fire Department has reviewed the application and provided recommendations regarding revisions to the site and development plan necessary to ensure that fire fighting apparatus will have adequate access to the site and that fire department connections will be easily visible and recognizable. Their comments, presented at the Technical Review Staff meeting of January 28, 2009, indicated two areas of deficiency:

- 23 a) *The site and development plan does not demonstrate that every building constructed would be accessible to fire department apparatus by way of access roadways with all-weather driving surface of not less than 20 feet of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum clearance of 13 feet, 6 inches. Sheet C-9 shows a potential conflict along the accessway, near Monroe Street (US Hwy 27), between fire apparatus and two tree overhangs.*
- 23 b) *The site and development plan does not demonstrate that fire department connections would be located in front of the buildings they service, would be fully visible and recognizable from the street or nearest point of fire department apparatus accessibility, and would be provided with address signage.*

Finding #24. Compliance with requirements for developments not dedicated to the public, Section 10-7.528, Land Development Code.

The entirety of property within the scope of the application will remain in sole ownership (of the applicant) and therefore, all maintenance responsibilities fall upon the applicant.

Some provisions contained within the proposed By-Laws of Summerfield Owners Association, Inc., included with the application, could, as written, be construed to allow violation of the environmental management requirements set out in Article IV of the Leon County Land Development Code.

Finding #25. Other application deficiencies: Illustration of MR component.

The application does not illustrate the entirety of the MR component of the PUD concept plan. This information is necessary for reference.

Finding #26. Other application deficiencies: Size of residential units.

At the Technical Review Staff meeting of January 28, 2009, Mr. Butch Callahan of Leon County Schools requested additional information regarding the size of residential units proposed.

Finding #27. Other application deficiencies: Labeling and dimensioning of proposed improvements.

In accordance with Section 10-7.402.6(c)(2)(i)j, Land Development Code, the site and development plan application is required to include a circulation diagram showing vehicular and pedestrian movements with location and dimensions of access points, drive aisle widths, parking spaces, sidewalks, any special engineering features and traffic control devices (if any).

Although the application includes some of this information on the siteplan sheet, not all the improvements have been clearly dimensioned. Some examples are dimensions for disabled parking and compact parking spaces.

Finding #28. Board of County Commissioners Review. Leon County Ordinance 04-40 includes, as a condition of the approval of the Summerfield PUD Concept Plan, that subsequent site and development plan applications shall be subject to approval by the Leon County Board of County Commissioners as to compliance with conditions 1 - 17 of their development order approving the Summerfield PUD Concept Plan.

ORDER: Based upon the findings cited herein, demonstrating that, with the exception of those outstanding issues cited therein, the proposed application is consistent with the Comprehensive Plan, complies with the Leon County Land Development Code, and complies with other applicable regulations and ordinances of Leon County, including the Summerfield PUD Concept Plan (Ordinance 04-40); and that, if the application were revised to implement the conditions set out below, all issues cited with regard to deficiency in consistency or compliance would be satisfactorily resolved. Therefore, the Summerfield PUD Phase I final plan application is hereby approved, subject to the following conditions:

1. Accurate representation of landscaped islands. The site and development shall be revised to provide accurate data regarding proposed landscaped islands, including the number of islands, the location of islands, and aggregate area of landscaped islands.

2. Accurate representation of disturbance within Special Development Zone A. Sheet C-3 of the site and development plan application shall be revised to specify the revised area of disturbance within Special Development Zone (SDZ) A within the application site and the corresponding percentage of the total overall Summerfield PUD district SDZ A.

3. Aquifer protection. Mitigation, as specified in the communications provided by the Aquifer Protection Office (referenced in Finding #22) shall be accomplished, in coordination with the Aquifer Protection Office, prior to the issuance of any environmental permit. Mitigation shall include:

- a) Obtaining a demolition permit, a demolition/hazardous waste inspection, mitigation of any issues, and abandonment of the well in the Phase I area, prior to the commencement of any site work.
- b) Identification of any well and any hazardous waste issues during the required demolition permit inspection, including any septic tanks, and subsequent mitigation, prior to the commencement of any site work.
- c) Removal of other potential hazardous waste sources found on site during the most recent inspection by the Aquifer Protection Office, including a fuel storage tank. Such items shall be removed from the site in order to obtain clearance from the Aquifer Protection Office.

4. Utility conceptual approval letter. The application shall be revised to include annotation stating that the applicant shall furnish documentation from Talquin Electric Cooperative, indicating their approval of a comprehensive utility concept plan or plans for electrical, potable water and central sewer utility service to the proposed development. No building permit, except for retaining walls, shall be issued unless and until this documentation is presented to Leon County. The site and development plan shall be revised to include annotation that fulfillment of this requirement shall occur prior to the issuance of any building permit, except for retaining walls on this development site.

5. Transportation Concurrency Management System. Payment of the outstanding transportation concurrency system mitigation balance of \$11,700, in a check payable to Leon County, shall be accomplished prior to the issuance of any certificate of occupancy for any building constructed on this development site. The site and development plan shall be revised to include annotation that fulfillment of this requirement shall occur prior to the issuance of any certificate of occupancy for any building on this development site.

6. Transportation Concurrency Management System. Pursuant to a previous concurrency agreement with Leon County pertaining to the development of this property, the applicant shall commence modifications to Fred George Road prior to the issuance of any certificate of occupancy for any building constructed on this development site. The site and development plan shall be revised to include annotation that fulfillment of this requirement shall occur prior to the issuance of any certificate of occupancy for any building on this development site.

7. Sidewalk system. The site and development plan application shall be revised to:

- a) Eliminate the illustration of a sidewalk, crosswalk, or other pedestrian crossing spanning the entryway connection to Monroe Street (US Hwy 27) and providing for future pedestrian connectivity to the north; and,
- b) Provide annotation that owner of the property adjacent and immediately to the north of the Phase I final plan development area shall be responsible for providing a pedestrian crossing spanning this entryway in the future, prior to the completion of any construction within the adjacent portion of the PUD, and that the pedestrian crossing shall be designed to achieve the following objectives: i) provide a safe route for pedestrians; ii) provide an efficient route for pedestrians; and, iii) minimize impact to patriarch trees; and,
- c) Revise the site and development plan to relocate that segment of the sidewalk, proposed to be located between the travel way of Monroe Street and the landscape buffer adjacent to the west, further westward on the subject site, to a location no further than 100 feet of the Monroe Street right-of-way, and to place this segment of the sidewalk within an easement inuring to the public; the location and width of said easement shall be sufficient to provide for access and maintenance by Leon County. Alternatively, the applicant may apply to pay a fee in lieu of construction of applicable segments of the sidewalk, in accordance with those provisions set out in Section 10-7.529, Leon County Land Development Code. Should other modifications to the proposed sidewalk along and parallel to Monroe Street be subsequently deemed necessary by the owner of the subject property, such modifications may be sought through minor modification to the approved site and development plan application.

8. Landscape buffering. The site and development plan shall be revised so that sheet C-7, "landscape plan" includes annotation stating that the applicant bears responsibility for providing future landscape buffering, in accordance with the Leon County Land Development Code, between other phases of development, at the time of their development.

9. Scenic view protection. The site and development plan application shall be revised to include annotation specifying design responses that address the potential for combining extensive roof-top plumbing and mechanical features and locating these features in such manner as to reduce their visibility from the public right-of-way and other properties, including the grouping of roof-top plumbing vents to reduce number of pipes visible and to group ducts away from public view. The applicant shall furnish renderings, prior to issuance of any building permit for any multifamily structure, demonstrating compliance with this condition.

10. Fire and emergency services. The site and development plan shall be revised to so that every building constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surface of not less than 20 feet of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum vertical clearance of 13 feet, 6 inches. Revise the site and development plan to demonstrate sufficient vertical access will be provided in the accessway near Monroe Street (US Hwy 27) and under any overhanging tree branches.

11. Fire and emergency services. The site and development plan shall be revised to so that Fire Department connections are located in front of buildings it services, are fully visible and recognizable from the street or nearest point of fire department apparatus accessibility, and are provided with address signage.

12. Illustration of the MR Component Boundaries. The site and development plan shall be revised to illustrate the full extent and location of the MR Component, as set out by the PUD Concept Plan.

13. Labeling and dimensioning. The site and development plan shall be revised to include labels and dimensions of proposed improvements, including but not limited to drive aisle width, sidewalk, parking spaces, etc.

14. Provision of requested data to School Board. The applicant shall provide documentation from Leon County Schools attesting to their satisfaction of Leon County Schools request for additional information regarding the size of residential units proposed.

15. Propriety of content in property owner's bylaws. Article X of the By-Laws of Summerfield Owners Association, Inc., "Amendments," shall be revised to include text indicating that proposed amendments do not conflict with the Summerfield PUD and will not result in allowances violating the Environmental Management regulation of the Land Development Code.

16. Board of County Commissioners Review. This proposed site and development plan application shall be subject to approval by the Leon County Board of County Commissioners as to compliance with conditions 1 - 17 of their development order approving the Summerfield PUD Concept Plan.

Affirmed, this ____ day of _____, 2009.

LEON COUNTY, FLORIDA

BY: _____
Director, Development Services Division
Leon County Department of Growth & Environmental Management