KILLEARN LAKES DEVELOPMENT OF REGIONAL IMPACT NOTICE OF PROPOSED CHANGE

Submitted By:

TRINIDAD PROPERTIES, LLC
6420 Thomasville Road
Tallahassee, FL 32312

Prepared By:

Paradigm Engineers and Consultants, PLLC

July 2009

KILLEARN LAKES DEVELOPMENT OF REGIONAL IMPACT

NOTICE OF PROPOSED CHANGE

Submitted by

TRINIDAD PROPERTIES, LLC
6420 Thomasville Road
Tallahassee, FL 32312

Prepared by

Paradigm Engineers & Consultants, PLLC
2447-3 Mill Creek Court Tallahassee,
Florida 32308

July 2009

STATE OF FLORIDA
Department of Community Affairs
Division of Community Planning
Bureau of Local Planning
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
850/488-4925

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI) SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, Terry Ooten, the undersigned Owner/authorized representative of Trinidad Properties, LLC, (hereafter "Applicant") hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Killearn Lakes Development of Regional Impact development (hereafter "DRI"), which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to Leon County, Apalachee Regional Council, and to the Division of Community Planning, Florida Department of Community Affairs.

Date 7/14/09

Signature Terry Ooten

2. **Applicant (name, address, phone).**

The Applicant is:

Trinidad Properties, LLC
6420 Thomasville Road, Tallahassee,
Florida 32312 (850) 545-4554

(850) 668-0070

3. **Authorized Agent (name, address, phone).**

The Authorized Agent is:

Paradigm Engineers & Consultants, PLLC
2447 Mill Creek Court
Tallahassee, Florida 32308
(850) 385-5796
(850) 504-5799

4. **Location (City, County, Township/Range/Section) of approved DRI and proposed change.**

The location of the Killearn Lakes DRI, including the proposed change to the DRI is Section 15, Township 2 North, Range 1 East in unincorporated Leon County, Florida.

5. **Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval. Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.**

The Applicant proposes to amend the Master Development Plan, entitled "Existing Map H" (attached as **Exhibit 1** to this Application). This NOPC proposes an amendment to the Master Development Plan as shown on "Proposed Map H" (attached as **Exhibit 2**), which will modify Commercial Area "C". As depicted on **Exhibit 3**, Building Area "G" of Commercial Area "C" has an allocated building area of 47,000sf of which 38,688sf is either existing or currently permitted and under construction, leaving a remainder of 8,312sf available for additional building. And Building Area "F" of Commercial Area "C" has an allocated building area of 6,800sf which currently is developed with 3,749sf leaving a remainder of 3,051sf of available for additional building. The proposed modification is specifically to transfer 1,000sf of the remaining available building potential from Area "G" to Area "F", thus reducing the remaining available building area on Area "G" to 7,312sf and increasing the remaining available building area on Area "F" to 4,051sf. In addition, the proposed modification will also allow for up to 4 residential units to be located on the second floor of the proposed Commercial "CO"on Area "F" to promote infill with "Mixed-use".

6. **Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.**

The Substantial Deviation Determination Chart is attached hereto as Exhibit 4. There is no net change to the density or intensity of Commercial Area "C". The modification will allow for up to four (4) additional residential condominium units to be located on the second floor of the Commercial units on Building Area "F" of Commercial Area "C", allowing for mixed use. Therefore, the proposed change

does not constitute a substantial deviation under Section 380.06(19), F.S.

7. **List all the dates and resolution numbers (or other appropriate identification numbers) of *all modifications* or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?**

1. <u>Killearn Lakes DRI Amended DRI Development Order</u>, approved by the Board of County Commissioners of Leon County, Florida, July 12,1994.

Amended the Killearn Lakes DRI Development Order to conform DRI Development Order to changes in development plan made in recorded and unrecorded plats, incorporate requirements imposed by the Department of Community Affairs regarding the provision of sewer service, and address a traffic study of the Tekesta Drive/Bannerman Road intersection.

2. <u>Killearn Lakes DRI First Amendment to 1994 Amended Development Order</u>, approved by the Board of County Commissioners of Leon County, Florida, July 11,1995.

Amended the Killearn Lakes DRI 1994 Amended Development Order, as previously amended, to delete central sewer provision requirement for four of five subdivisions in the DRI.

3. <u>Killearn Lakes DRI Amended Development Order, Second Amendment</u>, approved by the Board of County Commissioners of Leon County, Florida, May 13,1997.

Amended the Killearn Lakes DRI Development Order, as previously amended, to meet traffic study requirements, modify the plan of development by deleting 255 condominium single family attached units, add 75 single family detached units,

designate a parcel for church use and for school use, and require installation of an eastbound left turn lane on Bannerman Road.

4. <u>Killearn Lakes PRI Amended Development Order, Third Amendment,</u> approved by the Board of County Commissioners of Leon County, Florida, February 29, 2000.

Amended the Killearn Lakes DRI Development Order, as previously amended, to restore 20,700 sf of commercial space previously inadvertently released from Commercial Area "C" and to reassign this commercial area to a specific parcel.

8. **Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within *A mile on a project master site plan or other map.**

None.

9. **Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.**

The proposed modification for land use type in the Killearn Lakes DRI is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), F.S.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.

YES NO X

10. **Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.**

The proposed change does not result in a change to the buildout date or any

phasing dates for the project.

11. **Will the proposed change require an amendment to the local government comprehensive plan?**

No.

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06 (15), F.S., and 9J-2.025, Florida Administrative Code:

12. **An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.**

The updated Master Development Plan showing the proposed change is attached as Exhibit 2.

13. **Pursuant to Subsection 380.06(19)(f)$_5$ F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:**

a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

The language being added to and deleted from the DRI Development Order is attached as Exhibit 5.

b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;

Not Applicable. No acreage is being added to or deleted from the Killearn Lakes DRI.

c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;

Not Applicable

d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;

Not Applicable

e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and

Not Applicable

f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J2-2.025 (7), F.A.C

No changes to information previously specified.

Exhibits 1, 2, and 3

Paradigm Engineers & Consultants

2447-3 MI LICREEK COURT
TALLAHA SSEE, FL 32308

CIVIL ENGINEERING LAND PLANNING ENVIRONMENTAL PERMITTING

PHONE (850) 385-5796
FAX (850) 504-5799

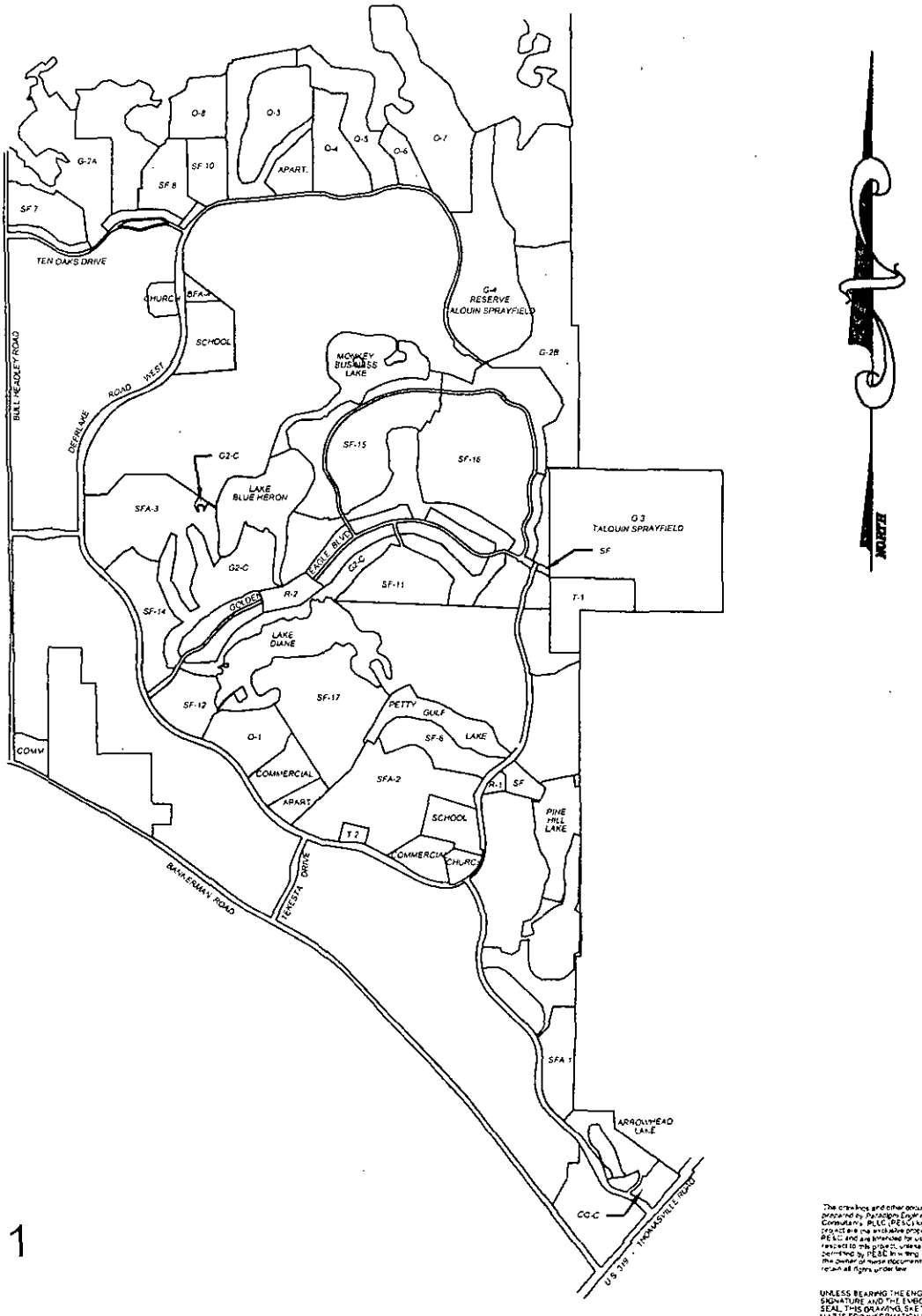

EXHIBIT 1

The drawings and other documents prepared by Paradigm Engineers & Consultants, PLLC (PE&C) for this project are the exclusive property of PE&C and are intended for use only with respect to this project, unless otherwise permitted by PE&C in writing. PE&C is the owner of these documents and shall retain all rights under law.

UNLESS BEARING THE ENGINEERS SIGNATURE AND THE EMBOSSED SEAL, THIS DRAWING, SKETCH OR MAP IS FOR INFORMATION PURPOSES ONLY

CLIENT	PROJECT NAME	FILE NAME	
TRINIDAD PROPERTIES, LLC	KILLEARN LAKES PLANTATION NOPC	EXHIBIT 1&2.DWG	
	SHEET TITLE	DRAWN BY: SEA	PROJECT NO. 0050-07-08
	EXISTING MAP H MASTER DEVELOPMENT PLAN KILLEARN LAKES	CHECKED BY: EME	SCALE: 1"=3000' / DATE: 04-29-09

Paradigm Engineers & Consultants

2447-3 MILLCREEK COURT
TALLAHASSEE, FL 32308

CIVIL ENGINEERING LAND PLANNING ENVIRONMENTAL PERMITTING

PHONE (850) 385-5796
FAX (850) 504-5799

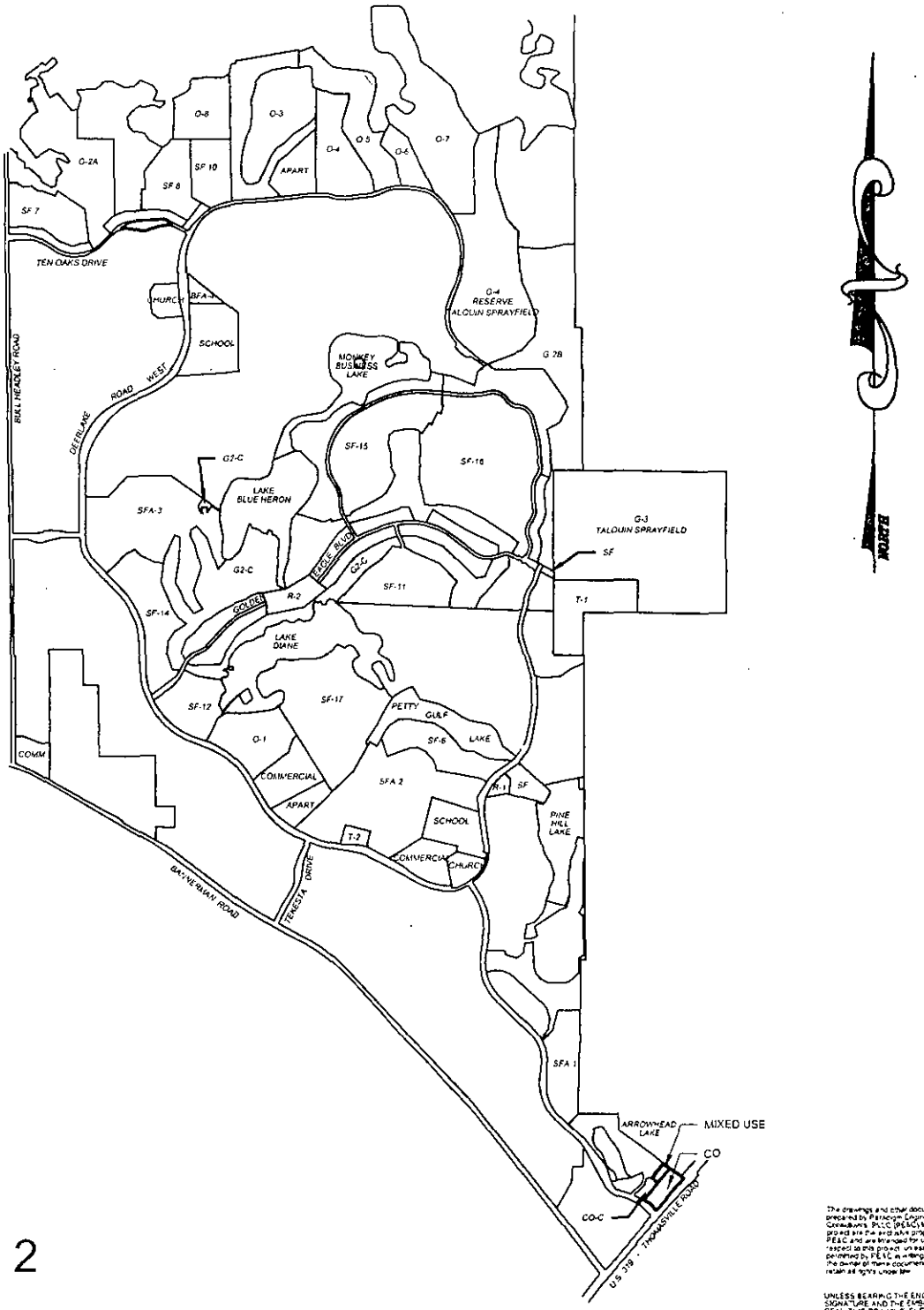

EXHIBIT 2

The drawings and other documents prepared by Paradigm Engineers & Consultants, PLLC (PE&C) for this project are the exclusive property of PE&C and are changed for use only with respect to this project, unless otherwise permitted by PE&C in writing. PE&C is the owner of these documents and shall retain all rights under law.

UNLESS BEARING THE ENGINEERS SIGNATURE AND THE EMBOSSED SEAL, THIS DRAWING, SKETCH, OR MAP IS FOR INFORMATIONAL PURPOSES ONLY.

CLIENT	PROJECT NAME	FILE NAME	
TRINIDAD PROPERTIES, LLC	KILLEARN LAKES PLANTATION NOPC	EXHIBIT 1&2.DWG	36
	SHEET TITLE: PROPOSED MAP H MASTER DEVELOPMENT PLAN KILLEARN LAKES	DRAWN BY: SEA	PROJECT NO.: 0050-07-08
		CHECKED BY: EME	SCALE: 1"=3000' / DATE: 04-29-09

Paradigm Engineers & Consultants

2447-3 MILLCREEK COURT
TALLAHASSEE, FL 32308

CIVIL ENGINEERING LAND PLANNING ENVIRONMENTAL PERMITTING

PHONE (850) 385-5796
FAX (850) 504-5799

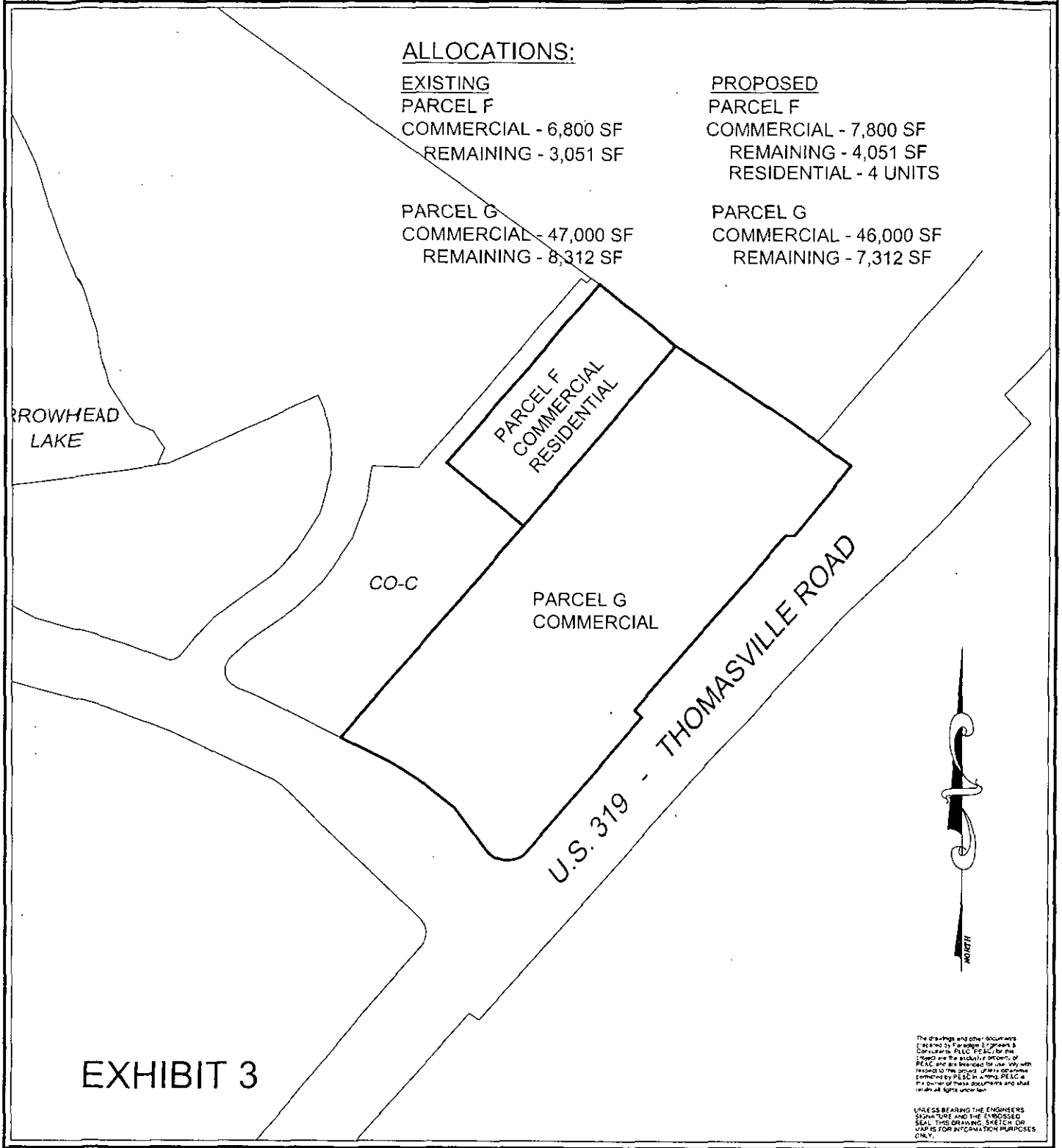

EXHIBIT 3

The drawings and other documents prepared by Paradigm Engineers & Consultants, PLLC ("PESC") for this project are the exclusive property of PESC and are intended for use only with respect to this project. Unless otherwise permitted by PESC in writing, PESC is the owner of these documents and shall retain all rights under law.

UNLESS BEARING THE ENGINEERS SIGNATURE AND THE EMBOSSED SEAL, THIS DRAWING, SKETCH OR MAP IS FOR INFORMATION PURPOSES ONLY.

CLIENT	PROJECT NAME	FILE NAME		
TRINIDAD PROPERTIES, LLC	KILLEARN LAKES PLANTATION NOPC	EXHIBIT 3.DWG		
	SHEET TITLE: PROPOSED MAP H MASTER DEVELOPMENT PLAN KILLEARN LAKES	DRAWN BY: SEA	PROJECT NO.: 0050-07-08	
		CHECKED BY: EME	SCALE: 1"=200'	DATE: 04-29-09

EXHIBIT 4

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE AND DATE OF CHANGE
Attraction/Recreation	#Parking Spaces	Not Applicable		
	#Spectators			
	#Seats			
	Site Locational Changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Airports	Runway (length)	Not Applicable		
	Runway (strength)			
	Terminal (gross sq. feet)			
	#Parking Spaces			
	#Gates			
	Apron Area (gross sq. feet)			
	Site Locational Changes			
	Airport Acreage, including drainage, ROW, easements, etc			

NOTE: IF A RESPONSE IS TO BE MORE THAN ONE SENTENCE, ATTACH A DETAILED DESCRIPTION OF EACH PROPOSED CHANGE AND COPIES OF THE PROPOSED MODIFIED SITE PLAN DRAWINGS. THE BUREAU MAY REQUEST ADDITIONAL INFORMATION FROM THE DEVELOPER OR HIS AGENT.

Attachment # 1
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SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF *LAND* USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE AND DATE OF CHANGE
Airports Continued . . .	#External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Hospitals	#Beds	Not Applicable		
	#Parking Spaces			
	Building (gross sq. feet)			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	#External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Industrial	Acreage, including drainage, ROW, easements, etc.	Not Applicable		
	#Parking Spaces-			
	Building (gross sq. feet)			
	#Employees			
	Chemical Storage (barrels & pounds)			
	Site locational changes			

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Attachment # 1
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SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE AND DATE OF CHANGE
Industrial Continued . . .	#External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Mining Operations	Acreage mined (year)	Not Applicable		
	Water withdrawal (gal/day)			
	Size of mine (acres), including drainage, ROW, easements, etc.			
	Site locational changes			
	External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Office	Acreage, including drainage, ROW, easements, etc.	Not Applicable		
	Building (gross sq. feet)			
	# Parking Spaces			
	#Employees			
	Site locational changes			
	#External vehicle trips			
	D.O. conditions			

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SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE AND DATE OF CHANGE
Office Continued . , .	ADA Representations			
Petroleum Chemical Storage	Storage Capacity (barrels/lbs.)	Not Applicable		
	Distance to navigable waters (feet)			
	Site location changes.			
	Facility acreage, including drainage, ROW, easements, etc.			
	#External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Ports (Marinas)	#Boats wet storage.	Not Applicable		
	#Boats, dry storage			
	Dredge and fill (cu. yds.)			
	Petroleum storage (gals.)			
	Site locational changes			
	Port Acreage, including drainage. ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE AND DATE OF CHANGE
Residential	#Dwelling Units	2,223 (through this NOPC)	2,223 (Amended Development Order, Third Amendment, "Feb, 29. 2000).	
	Type of dwelling units	Town house (single family attached — 950 units	Townhouse (single family attached) -946 units	
	# of lots	No change		
	Acreage, including drainage., ROW, easements, etc.	No change		
	Site locational changes	No change		
	#External Vehicle Trips	Total cumulative increase of 0		
	D.O. Conditions	See Response to NOPC Question 13.a.		
Wholesale, retail, service	Acreage, including drainage, ROW, easements, etc.	Not Applicable		
	Floor space (gross sq. feet)			
	#Parking spaces			
	#Employees			
	Site locational changes			
	#External Vehicle Trips			
	D.O. conditions			
	ADA representations			

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Attachment # 1
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SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND XJSE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE AND DATE OF CHANGE
Hotel/Motel	#Rental Units	No change		
	Floor space (gross sq. feet)	No change		
	#Parking spaces	No change		
	#Employees	No change		
	Site locational changes	No change		
	Acreage, including drainage, ROW, easements, etc.	No change		
	#External Vehicle Trips	No change		
	D.O. Conditions	No change		
	ADA representations	No change		
R.V. Park	Acreage, including drainage, ROW> easements, etc.	Not applicable		
	Buildings (gross sq. feet)			
	#Parking spaces			
	#Employees			
	Site locational changes			
	#External Vehicle Trips			
	D.O. conditions			
	ADA representations			

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SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE AND DATE OF CHANGE
Open space (all natural and vegetated non-impervious surfaces)	Acreage	Not Applicable		
	Site locatiooal changes			
	Type of open space			
	D.O. Conditions			
	ADA representations			
Preservation, buffer or special protection areas preservation k(cant)	Acreage	Not Applicable		
	Site locational changes			
	Development of site proposed			
	D.O. conditions			
	ADA representations			

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EXHIBIT 5

QUESTION NO. 13 - DEVELOPMENT ORDER LANGUAGE

KILLEARN LAKES AMENDED DEVELOPMENT ORDER
~~THIRD~~ FOURTH AMENDMENT

A ~~THIRD~~ FOURTH AMENDMENT TO AN AMENDED DEVELOPMENT ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE KILLEARN LAKES DEVELOPMENT OF REGIONAL IMPACT.

1. FINDINGS OF FACT

No change to Findings of Fact 1 through 7, pp. 1-5, of the Killearn Lakes DRI Amended Development Order, Third Amendment, After Finding of Fact no. 7, insert the following:

~~8. Because the Department of Community Affairs has determined that this proposed change is in the nature of s. 380.06(19)(e)(2)., F.S., a public hearing is not required.~~

8. On July , 2009, Trinidad Properties, LLC, through the Company's authorized agent, filed an NOPC to designate a portion of Commercial Area C from "Commercial" to a Master Development Plan designation of "Mixed Use", more particularly described by a map and legal description attached to this amended DO.

No Changes to Section II, CONCLUSIONS OF LAW

III. GENERAL PROVISIONS

1.a. , through d., no change.

Add to the following subparagraphs e and f.

e. Building Area "G" of "Commercial Area C" be re-designated on the Master Plan, Otherwise known as Map H, from "Commercial" to "Mixed Use."

f. The "Mixed Use" component of "Commercial Area C" shall contain a maximum of 4 dwelling units located on the second floor of a commercial building.

g. Currently, Building Area "G" of Commercial Area "C" has an allocated building area of 47,000 square feet, of which 38,688 square feet is existing, or currently permitted and under construction. A remainder of 8,312 square feet is available for additional building.

h. Building Area "F" of Commercial Area "C" has an allocated building area of 6,800 square feet., of which 3,051 square feet is remaining.

i. This NOPC will transfer 1,000 square feet of available building square footage from Building Area "G" to Building Area "F."

j. The available remaining square footage for Building Area "G" is reduced to 7,312 square feet after the transfer is complete.

k. The available remaining square footage for Building Area "F" is increased to 4,051 square feet.

Strike paragraphs 2 through 4, and add the following:

2. Within sixty (60) days of the issuance of this Fourth Amendment to the ADO, the Owner, Trinidad Properties, LLCe, shall cause a Notice of Adoption to be recorded among the public records of Leon County in accordance with Section 380.06(15) F.S., and shall provide a copy of the recorded notice to the County, ARPC, and DCA.

3. The County Attorney is hereby directed to send certified complete copies of this Fourth Amendment to the ADO within ten (10) days of the date of this Amendment to the ARPC, DCA, and the authorized representative of the Applicant, by certified mail, return receipt requested.

4. This Fourth Amendment to the ADO shall take effect upon transmittal to the parties specified in Section 380.07, F.S.

This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 2009.

LEON COUNTY, FLORIDA

BY:_____
Bryan Desloge, Chairman
Board of County Commissioners

ATTEST:
BOB INZER, CLERK OF THE COURT

By:_____
Clerk

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

By:_____
Herbert W. A. Thiele, Esq.
County Attorney

DONE AND ORDERED THIS DAY OF , 2009