AGENDA MATERIALS

CYCLE 2013-1
COMPREHENSIVE PLAN AMENDMENTS
ADOPTION HEARING
AND
IMPLEMENTING ORDINANCES AND REZONINGS

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

Tuesday, May 28, 2013, 6PM
County Commission Chambers
5th Floor, Leon County Courthouse

MEMORANDUM

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

FROM: Brian Wiebler, Principal Planner

DATE: May 15, 2013

SUBJECT: Materials for May 28, 2013 Adoption Hearing

The joint hearing of the Tallahassee City Commission and the Leon County Board of County Commissioners has been advertised for **Tuesday, May 28, at 6:00 PM in the County Commission Chambers**. The purpose of this hearing is to consider adoption of small scale amendments and the large scale amendments that were previously transmitted to the State Land Planning Agency.

This electronic version of the materials includes the agenda, public comments, and all other materials needed for the adoption public hearing.

Attached for your consideration are:

Attachment #1: Public Hearing Agenda
Attachment #2: Summary Chart of Past Actions
Attachment #3: Amendments as Recommended for Adoption
Attachment #4: New Public Comments
Attachment #5: County Adoption Ordinance
Attachment #6: County Adoption Ordinance (Thornton Road Amendment Only)
Attachment #7: City Adoption Ordinance
Attachment #8: City Adoption Ordinance (Thornton Road Amendment Only)
Attachment #9: City Rezoning Agenda Items (6)
Attachment #10: Staff Report: Monday Road near Capital Circle Southeast- (PCM130101)
Attachment #11: Staff Report: West Brevard Street- (PCM130102)
Attachment #12: Staff Report: Timberlane Road near Market District- (PCM130104)
Attachment #13: Staff Report: Woodville Rural Community Expansion-(PCM130105)
Attachment #14: Staff Report: Jackson Bluff Road and Ausley Street-(PCM130106)
Attachment #15: Staff Report: 9th Avenue and Thomasville Road- (PCM130107)
Attachment #16: Staff Report: Fred George and Old Bainbridge Road –(PCM130108)
Attachment #17: Staff Report: Text- Steep Grade Policy Inside Urban Service Area-(PCT130109)
Attachment #18: Staff Report: Text- Updating Environmental Definitions-(PCT130110)
Attachment #19: Staff Report: Text- Cleanup of Policies 1.1.10 [M] and 2.1.8 [LU]-(PCT130111)
Attachment #20: Staff Report: Text- Paul Russell Road Extension - (PCT130112)
Attachment #21: Staff Report: Text- Welaunee Access from Thornton Road- (PCT130113)

If you have any questions about the hearing or any of the attached materials, please contact Cherie Bryant or Brian Wiebler at (850) 891-6400.

ATTACHMENT #1

PUBLIC HEARING AGENDA

MAY 28, 2013

BOARD OF COUNTY COMMISSIONRERS
CITY OF TALLAHASSEE CITY COMMISSION
2013-1 ADOPTION PUBLIC HEARING
MAY 28, 2013 6:00 PM
County Commission Chambers

A. Introductory Comments by Staff

B. Adoption Public Hearing

1. Consent Agenda:

PCM130101- Monday Road near Capital Circle Southeast	*City of Tallahassee*
PCM130102- West Brevard Street	*Lewis Chambers*
PCM130104- Timberlane Road near Market District	*Dr. Darrh Bryant*
PCM130106- Jackson Bluff Road and Ausley Street	*Carolyn Bibler*
PCM130107- 9th Avenue and Thomasville Road	*City of Tallahassee*
PCM130108- Fred George and Old Bainbridge Road	*City of Tallahassee*
PCT130109- Text- Steep Grade Policy Inside Urban Service Area	*Leon County*
PCT130110- Text- Updating Environmental Definitions	*Planning Department*
PCT130111- Text- Cleanup of Policies 1.1.10 [M] and 2.1.8 [LU]	*Planning Department*
PCT130112- Text- Paul Russell Road Extension	*Planning Department*
PCT130113- Text- Welaunee Access from Thornton Road	*City of Tallahassee*

Staff Recommendation: Adoption of the amendments as approved for Transmittal to the State Planning Agency on April 9, 2013.

2. Discussion Items:

PCM130105- Woodville Rural Community Expansion *Disc Village*

Staff Recommendation: Continue the above amendment to the October 8, 2013 regularly scheduled meeting of the Board of County Commissioners to allow the applicant additional time to seek approval of a Planned Unit Development that addresses the items below (as included in the staff recommendation for this amendment).

- Limits the maximum allowed dwelling units to 416 for the combined site,
- Requires Advanced Wastewater Treatment within a specified period of time,
- Requires use of Low Impact Development design approach for all new development and redevelopment,
- Addresses transportation concurrency.

C. County Adoption of Cycle 2013-1 Plan Amendment Ordinance (Attachment #5)

D. County Adoption of Thornton Road Amendment Ordinance (Attachment #6)

Note: The Thornton Road amendment has a separate ordinance to provide for an effective date linked to state approval of the associated land exchange.

E. City Adoption of Cycle 2013-1 Plan Amendment Ordinance (Attachment #7)

F. City Adoption of Thornton Road Amendment Ordinance (Attachment #8)

Note: The Thornton Road amendment has a separate ordinance to provide for an effective date linked to state approval of the associated land exchange.

G. City Rezoning Public Hearings (Attachment #9)

1. First and Only Public Hearing on Ordinance No. 13-Z-10**:** Proposed Amendment to the Official Zoning Map from the High Intensity Urban Activity Center (AC) Zoning District to the Manufactured Home and Single-Family Detached (R-5) Zoning District.

2. First and Only Public hearing on Ordinance No. 13-Z-11: Proposed Amendment to the Official Zoning Map from the Residential Preservation-2 (RP-2) Zoning District to the Central Urban-18 (CU-18) Zoning District.

3. First and Only Public Hearing on Ordinance No. 13-Z-15AA: Proposed Amendment to the Official Zoning Map from the Lake Protection (LP) Zoning District to the Office Residential-3 (OR-3) Zoning District.

4. First and Only Public Hearing on Ordinance No. 13-Z-12: Proposed Amendment to the Official Zoning Map from the Medium Density Residential-1 (MR-1) Zoning District to the University Transition (UT) Zoning District.

5. First and Only Public Hearing on Ordinance No. 13-Z-13: Proposed Amendment to the Official Zoning Map from the Residential Preservation-2 (RP-2) Zoning District to the Neighborhood Boundary Office (NBO) Zoning District.

6. First and Only Public Hearing on Ordinance No. 13-Z-14: Proposed Amendment to the Official Zoning Map from the Residential Preservation-2 (RP-2) Zoning District to the Neighborhood Commercial (C-1) Zoning District.

H. <u>Adjournment</u>

If you have a disability requiring accommodations, please contact the Tallahassee-Leon County Planning Department. The Planning Department telephone number is (850) 891-6400. The telephone number of the Florida Relay TDD Service is # 1-800-955-8771.

"Please be advised that if a person decided to appeal any decision made by the Planning Commission/Local Planning Agency with respect to any matter considered at this meeting or hearing, such person will need a record of these proceedings, and for this purpose such person may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based. The Planning Commission/Local Planning Agency does not provide or prepare such a record (Section 286.0105 F.S.)."

ATTACHMENT #2

SUMMARY CHART OF PAST ACTIONS

MATRIX FOR CYCLE 2013-1

A = Approve
D = Denial
AM = Approve as Modified

Item #	*Amendment To:*	*Nature of Proposed Amendment*	*Planning Staff Recommendation*	*Water Resources Committee Recommendation*	*LPA Recommendation*	*City Commission Position*	*Board of County Commissioners Position*
PCM130101	FUTURE LAND USE MAP **Monday Road near Capital Circle Southeast**	From: High Intensity Urban Activity Center To: Urban Residential -2 1-acre	**A**	Not Reviewed	**A**	**A**	**A**
PCM130102	FUTURE LAND USE MAP **West Brevard Street**	From: Residential Preservation To: Central Urban 1.15-acres	**A**	Not Reviewed	**A**	**A**	**A**
PCM130103	FUTURE LAND USE MAP **Truett Drive and Bradford Road**	WITHDRAWN BY APPLICANT	**NA**	**NA**	**NA**	**NA**	NA
PCM130104	FUTURE LAND USE MAP **Timberlane Road near Market District**	From: Lake Protection To: Suburban 9.9-acres	**A**	**A**	**A**	**A**	**A**
PCT130105	FUTURE LAND USE MAP **Woodville Rural Community Expansion**	From: Rural To: Woodville Rural Community 98-acres	**A** - Subject to Planned Unit Development	**A**	**AM**	**A**	**A**
PCT130106	FUTURE LAND USE MAP **Jackson Bluff Road and Ausley Street**	From: Urban Residential-2 To: University Transition 16.42-acres	**A**	Not Reviewed	**A**	**A**	**A**
PCT130107	FUTURE LAND USE MAP **9th Avenue and Thomasville Road**	From: Residential Preservation To: Neighborhood Boundary 0.4-acres	**A**	Not Reviewed	**A**	**A**	**A**
PCT130108	FUTURE LAND USE MAP **Fred George and Old Bainbridge Road**	From: Residential Preservation To: Suburban 1-acre	**A**	Not Reviewed	**A**	**A**	**A**

Updated Through April 10, 2013

MATRIX FOR CYCLE 2013-1

A = Approve
D = Denial
AM = Approve as Modified

Item #	*Amendment To:*	*Nature of Proposed Amendment*	*Planning Staff Recommendation*	*Water Resources Committee Recommendation*	*LPA Recommendation*	*City Commission Position*	*Board of County Commissioners Position*
PCT130109	TEXT AMENDMENT **Steep Grade Policy Inside Urban Service Area**	Remove Comprehensive Plan requirements for the protection of significant and severe grades inside the Urban Service Area.	**A**	**A**	**A**	**A**	**A**
PCT130110	TEXT AMENDMENT **Updating Environmental Definitions**	Update environmental definitions that were recently amended in the City and County Code as part of the Countywide Minimum Environmental Standards project.	**A**	**A**	**A**	**A**	**A**
PCT130111	TEXT AMENDMENT **Cleanup of Policies 1.1.10 [M] and 2.1.8 [LU]**	Updates and removes outdated language in Policy 1.1.10 [M] and Policy 2.1.8 [L] and correctly identifies the policy guidance to receive a density bonus in the Mobility District.	**A**	Not Reviewed	**A**	**A**	**A**
PCT130112	TEXT AMENDMENT **Addition of Paul Russell Road Extension to Future Right of Way Needs Map**	Amend the Mobility Element to place the Paul Russell Road extension back on the Future Right-of-Way Needs Map.	**A**	Not Reviewed	**A**	**A**	**A**
PCT130113	TEXT AMENDMENT **Welaunee Plantation Access from Thornton Road**	Modify Policy 13.1.4 to change the allowed roadway access to the Welaunee Toe via Miccosukee Road from a crossing of the Greenway at Arendell Way to a crossing at Thornton Road.	**A**	Not Reviewed	**A**	**A**	**A**

Updated Through April 10, 2013

ATTACHMENT #3

AMENDMENTS AS RECOMMENDED FOR ADOPTION

Map Amendment PCM130101
Monday Road near Capital Circle Southeast

1 Acre

From: High Intensity Urban Activity Center
To: Urban Residential -2

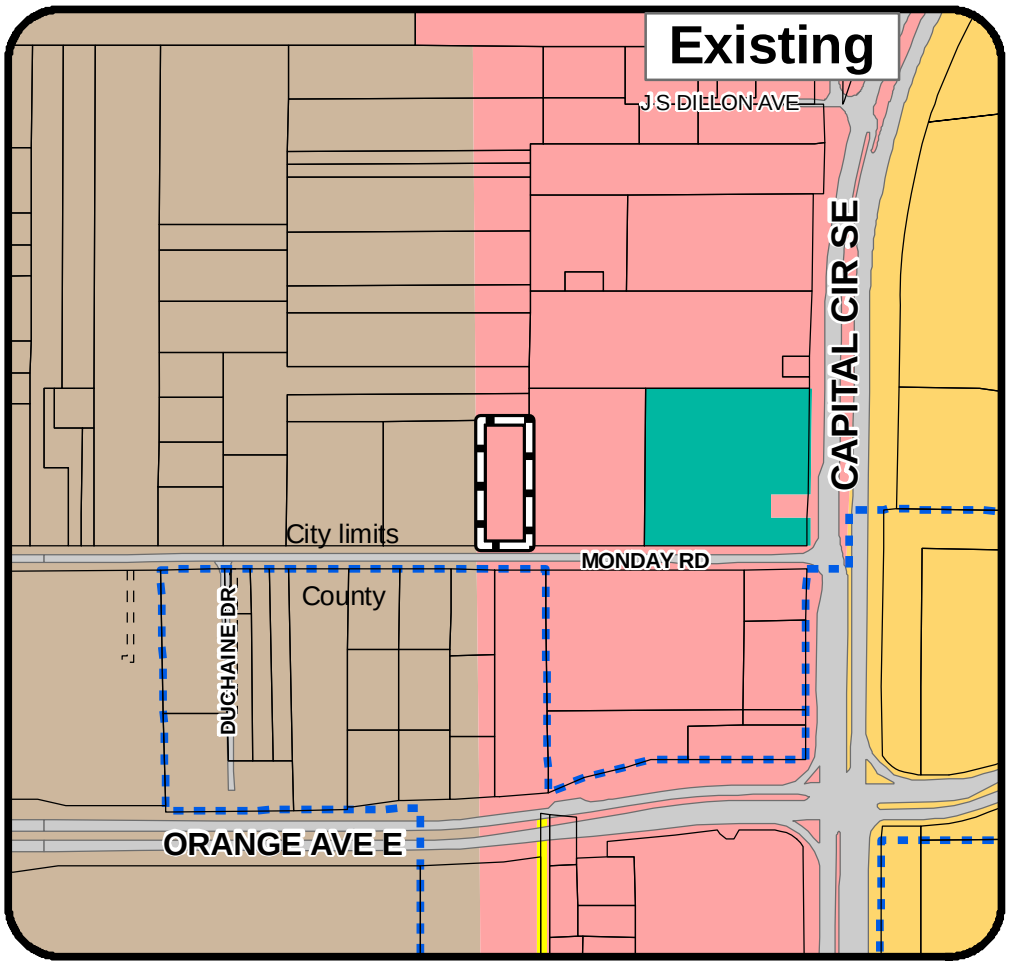
Applicant: *City of Tallahassee* **Owner:** *Melvin and Marcus Payne*
Request: "High Intensity Urban Activity Center" to "Urban Residential -2" for a one acre parcel located north of Monday Road near Capital Circle Southeast. City staff initiated the amendment following issuance of a Land Use Compliance Certificate to construct two single-family residences on the parcel. The amendment allows the owner to move forward with the subdivision and construction of the homes as represented in the Land Use Compliance Certificate.

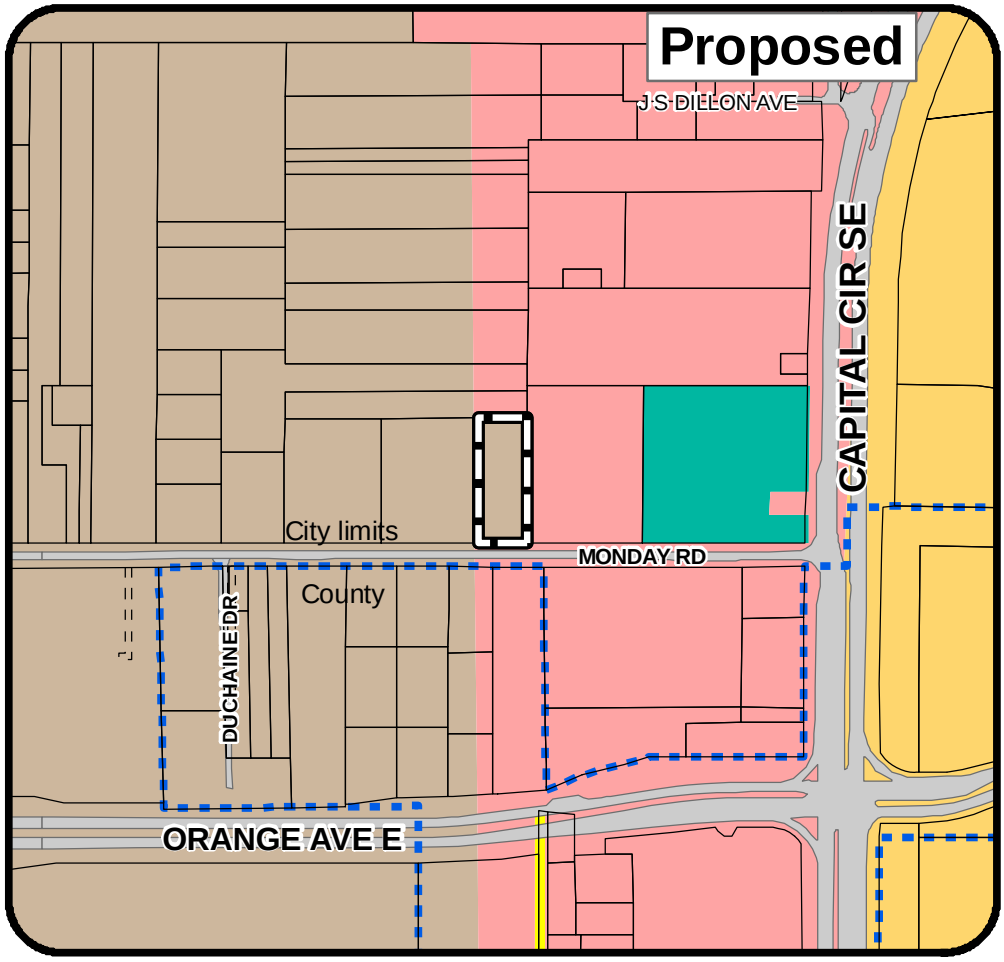
Staff Recommendation:
Approval

Local Planning Agency:
Approval

City Commission:
Approval

Board of County Commissioners:
Approval





Future Land Use

Legend

- Activity Center
- Governmental Operation
- Open Space
- Planned Development
- Urban Residential 2

- Subject Parcel
- City Limits

Monday Road near Capital Circle Southeast
PCM130101

City Of Tallahassee

Existing

Activity Center

Proposed

Urban Residential-2

SITE TAX ID:
31-09-20-261-0000

ACRES: 1 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

Map Amendment PCM130102
West Brevard Street

1.15 Acres

From: Residential Preservation
To: Central Urban

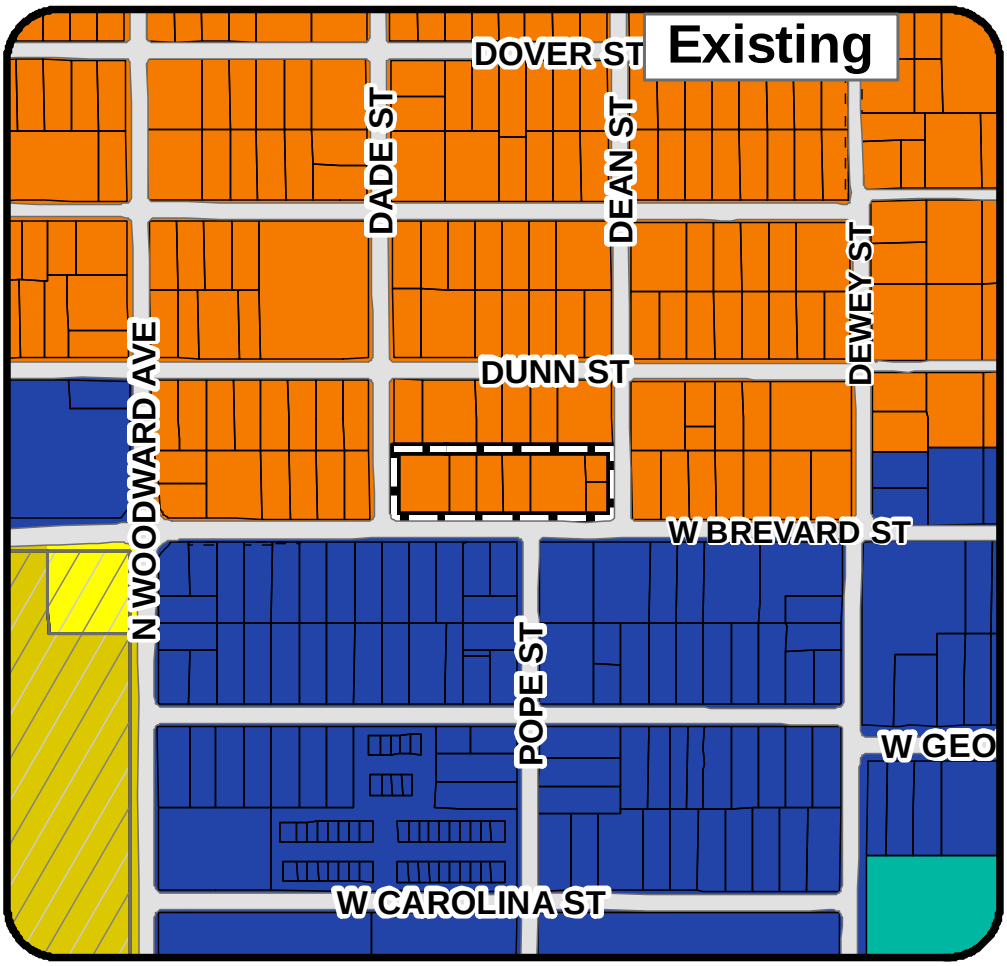
Applicant and Owner: *Lewis Chambers*
Request: "Residential Preservation" to "Central Urban" on lots totaling 1.15 acres located immediately north of West Brevard Street, between Dade Street and Dean Street. The site includes the existing Blue Collar Restaurant, a use which is non-conforming under the current Residential Preservation category. The requested change would provide relief from the current status as non-conforming and allow the applicant to expand the use.

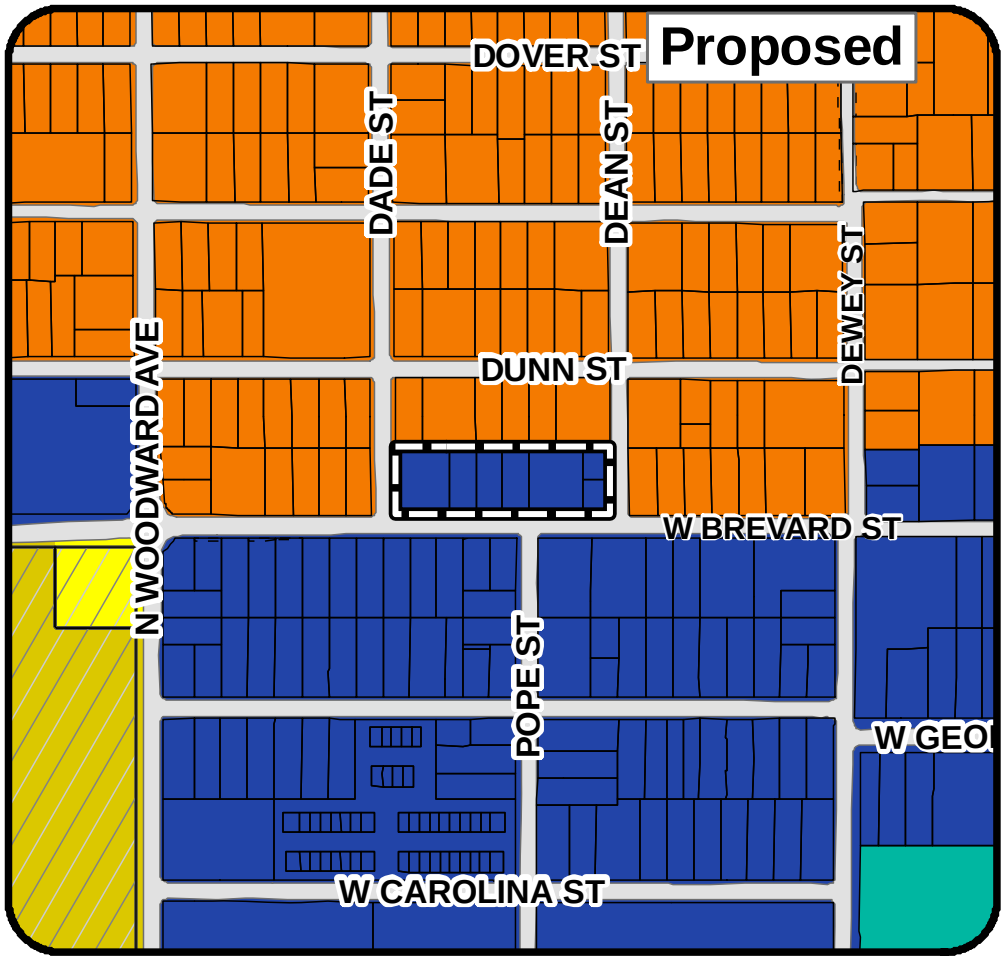
Staff Recommendation:
Approval

Local Planning Agency:
Approval

City Commission:
Approval

Board of County Commissioners:
Approval





Future Land Use

Legend

- Central Urban
- Educational Facilities
- Governmental Operation
- Open Space
- Residential Preservation
- Subject Parcel

West Brevard Street
PCM130102
Louis Chambers

Existing
Residential Preservation

Proposed
Central Urban

SITE TAX ID:
21-26-53-002-0010
21-26-53-002-0011
21-26-53-002-0020
21-26-53-002-0040
21-26-53-002-0050
21-26-53-002-0060
21-26-53-002-0070

ACRES: 1.16 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

Map Amendment PCM130103

WITHDRAWN BY APPLICANT

Map Amendment PCT130104
Timberlane Road near Market District

9.9 Acres

From: Lake Protection
To: Suburban

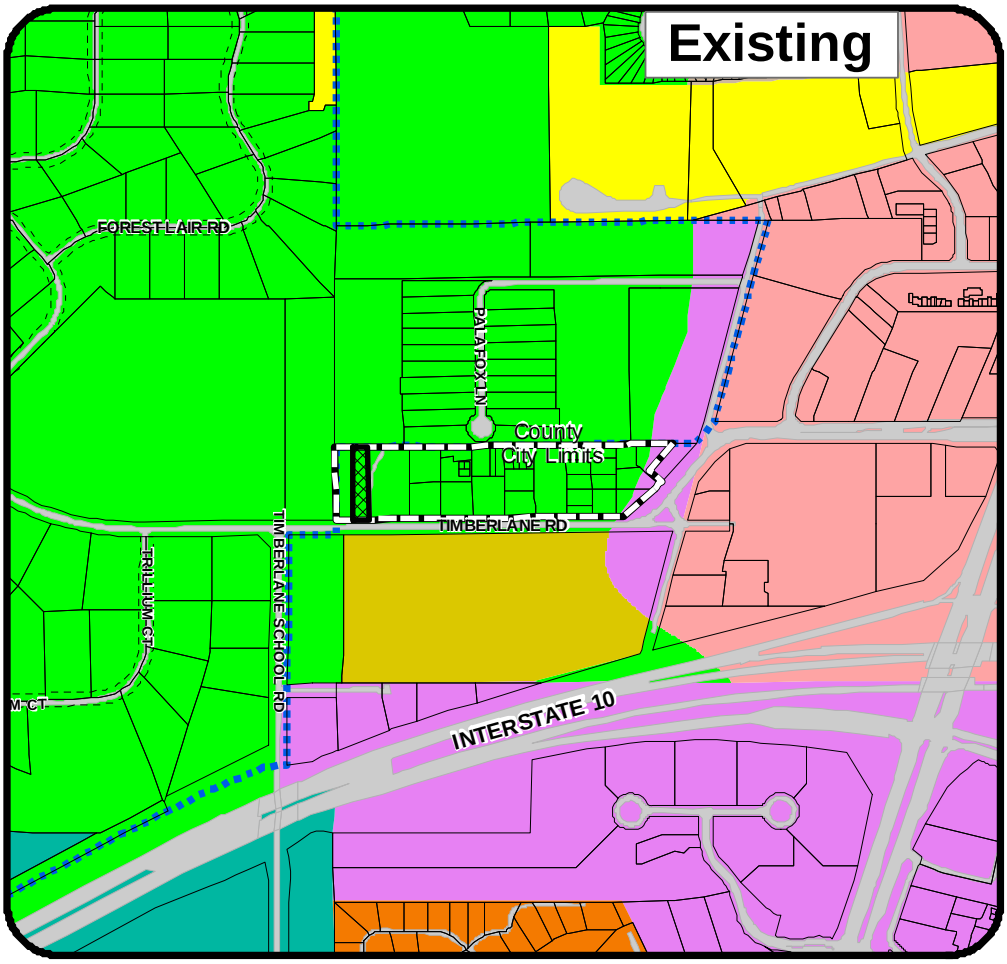
Applicant and Owner: *Dr. Darrh Bryant*
Request: "Lake Protection" to "Suburban" on one parcel (approximately 0.5 acre) located at 1234 Timberlane Road. This parcel is presently developed for office use. The existing Lake Protection category does not permit non-residential uses inside the City Limits. The requested Suburban category would provide relief from the current status as non-conforming and allow the applicant to utilize the property as a dental office. Staff is also recommending the surrounding office buildings be included in the amendment (34 properties on 9.9 acres).

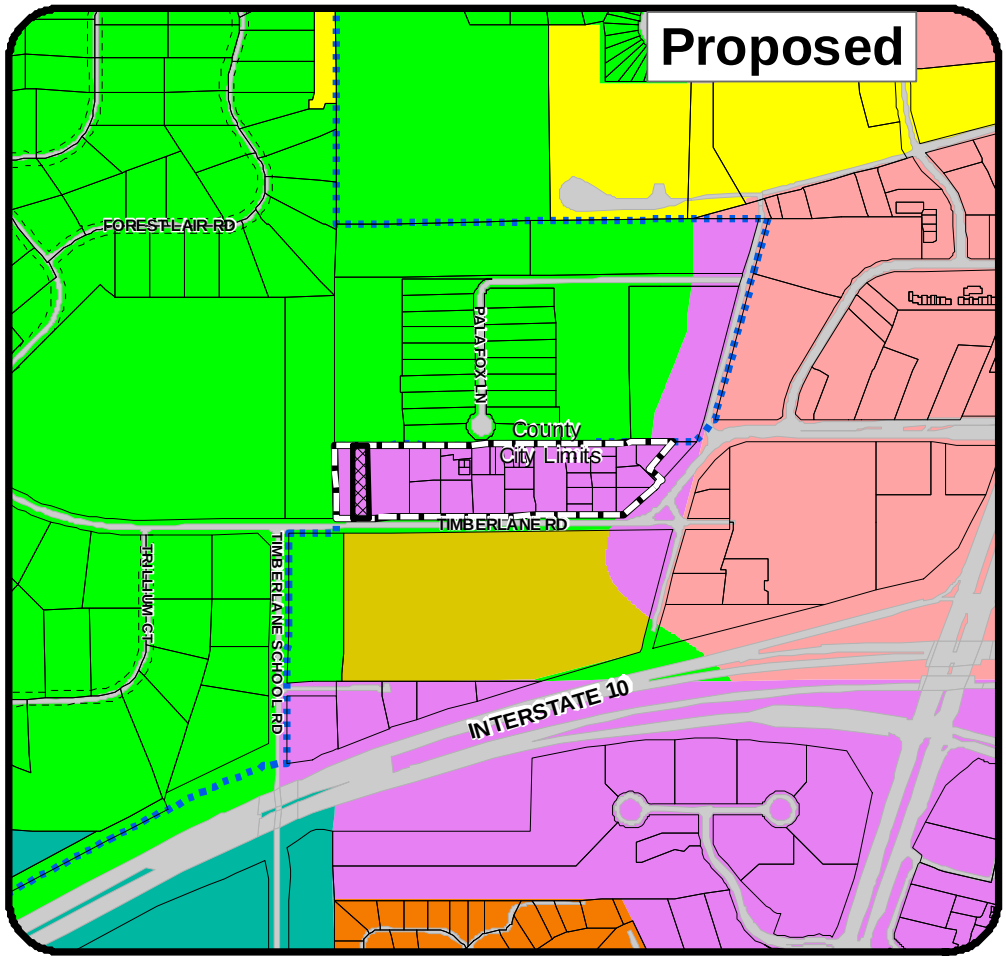
Staff Recommendation:
Approval

Local Planning Agency:
Approval

City Commission:
Approval

Board of County Commissioners:
Approval





Future Land Use Legend

- Activity Center
- Educational Facilities
- Government Operation
- Lake Protection
- Recreation/Open Space
- Residential Preservation
- Suburban
- Urban Residential 2
- Applicant Request
- Staff Expansion

Timberlane Road near Market District
PCM130104
Darrh Bryant

Existing
Lake Protection

Proposed
Suburban

N W E S

MULTIPLE SITE TAX ID's
(See Text)

ACRES: 9.8 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING AND MANAGEMENT OF COMMUNITY CHANGE

Map Amendment PCT130105
Woodville Rural Community Expansion

98 Acres

From: Rural
To: Woodville Rural Community

Applicant and Owner: *Disc Village*
Request: "Rural" to "Woodville Rural Community" on three adjoining parcels (totaling approximately 98 acres) located on the south side of Natural Bridge Road, approximately one mile east of Woodville Highway. These parcels are presently developed as a non-profit community-based therapeutic community. The requested Woodville Rural Community category would allow an expansion of facilities and programs oriented towards senior citizens.

Staff Recommendation:

Continue the above amendment to the October 8, 2013 regularly scheduled meeting of the Board of County Commissioners to allow the applicant additional time to seek approval of a Planned Unit Development that addresses the items below (as included in the staff recommendation for this amendment).

- Limits the maximum allowed dwelling units to 416 for the combined site,
- Requires Advanced Wastewater Treatment within a specified period of time,
- Requires use of Low Impact Development design approach for all new development and redevelopment,
- Addresses transportation concurrency.

Local Planning Agency:

Approval as Modified

City Commission:

Approval Subject to a Planned Unit Development

Board of County Commissioners:

Approval Subject to a Planned Unit Development

Map Amendment PCT130106
Jackson Bluff Road and Ausley Street

16.42 Acres

From: Urban Residential-2
To: University Transition

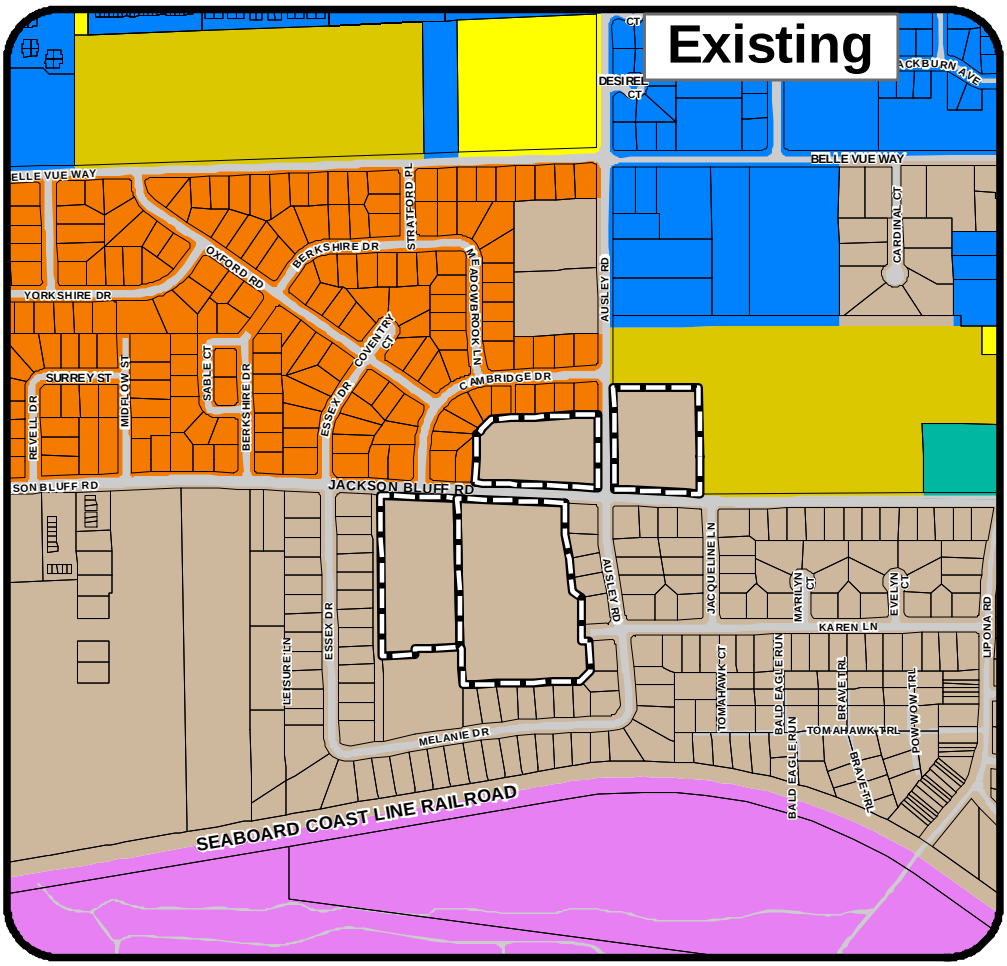
Applicant: *Carolyn Bibler*
Owners: *Jackson Bluff Properties LLC, Landmark Apartments LLC, Stadium Place of Tallahassee LLC, Greenbriar Partners LLC*
Request: "Urban Residential-2" to "University Transition" for four parcels totaling 16.42 acres located near Jackson Bluff and Ausley Road. The applicant would like to redevelop this node at Jackson Bluff and Ausley Road with small scale commercial intermixed with higher density housing to support it. The neighborhood scale commercial development would also serve the existing residential neighborhoods in the area.

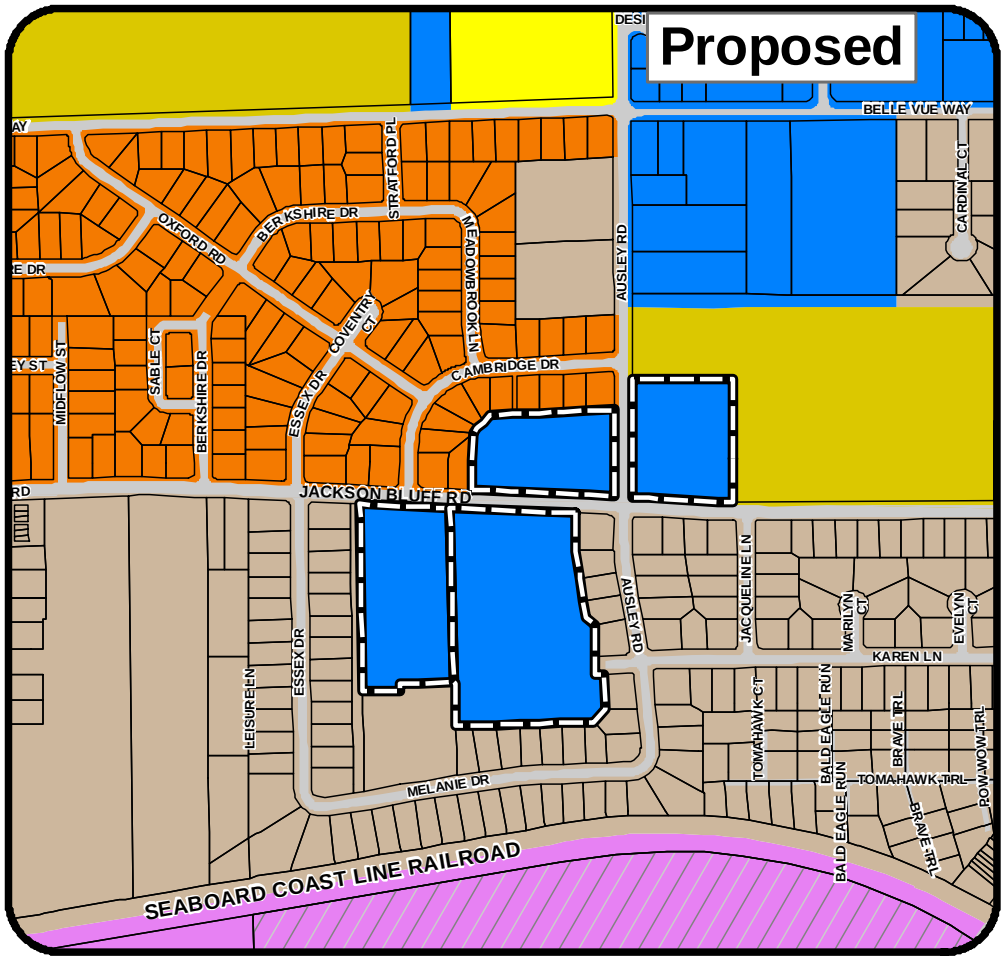
Staff Recommendation:
Approval

Local Planning Agency:
Approval

City Commission:
Approval

Board of County Commissioners:
Approval





Future Land Use

Legend

- Educational Facilities
- Residential Preservation
- University Transition
- Suburban
- Urban Residential 2

Subject Parcel

Jackson Bluff and Ausley Street PCM130106

Carolyn Bibler

Existing

Urban Residential-2

Proposed

University Transition

SITE TAX IDs:
21-34-20-402-0000
21-34-20-627-0000
41-03-20-201-0000
41-03-20-240-0000

ACRES: 16.42 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

Map Amendment PCT130107
9th Avenue and Thomasville Road

0.4 Acres

From: Residential Preservation
To: Neighborhood Boundary

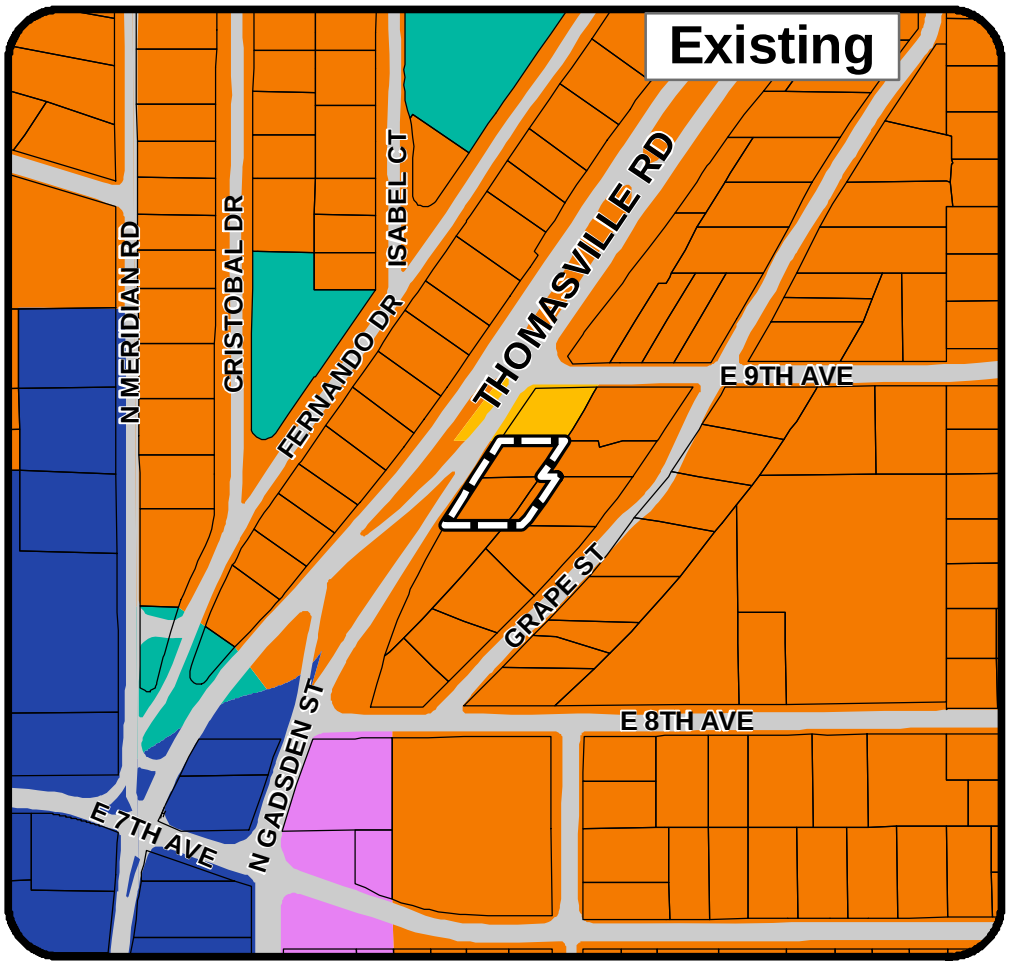
Applicant: *City of Tallahassee* **Owner:** *Marshall Cassedy Jr.*
Request: "Residential Preservation" to "Neighborhood Boundary" on two adjoining parcels and a portion of a third adjoining parcel (totaling approximately 0.4 acre) located on the east side of Thomasville Road between 8th and 9th Avenues. The area is presently developed and used for a hair salon and related parking. This amendment implements recommendations in a settlement agreement reached on September 7, 2012 between Marshall Cassedy, the City, and participating neighbors.

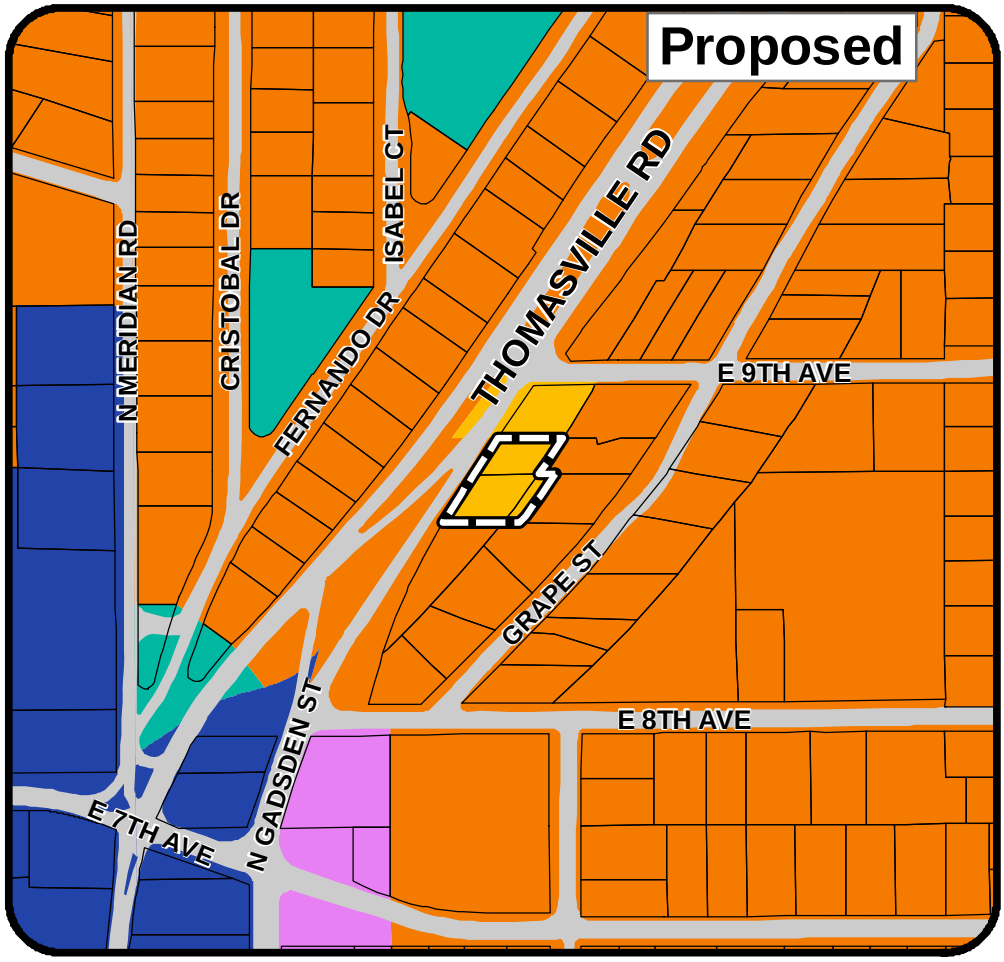
Staff Recommendation:
Approval

Local Planning Agency:
Approval

City Commission:
Approval

Board of County Commissioners:
Approval





Future Land Use

Legend

- Central Urban
- Open Space
- Residential Preservation
- Suburban
- Neighborhood Boundary

Subject Parcel

9th Avenue and Thomasville Road
PCM130107
City of Tallahassee

Existing
Residental Preservation

Proposed
Neighborhood Boundary

SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
and
11-30-57-000-0220
(Northwest 22 ft)

ACRES: 0.38 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

Map Amendment PCT130108
Fred George and Old Bainbridge Road

1 Acre

From: Residential Preservation
To: Suburban

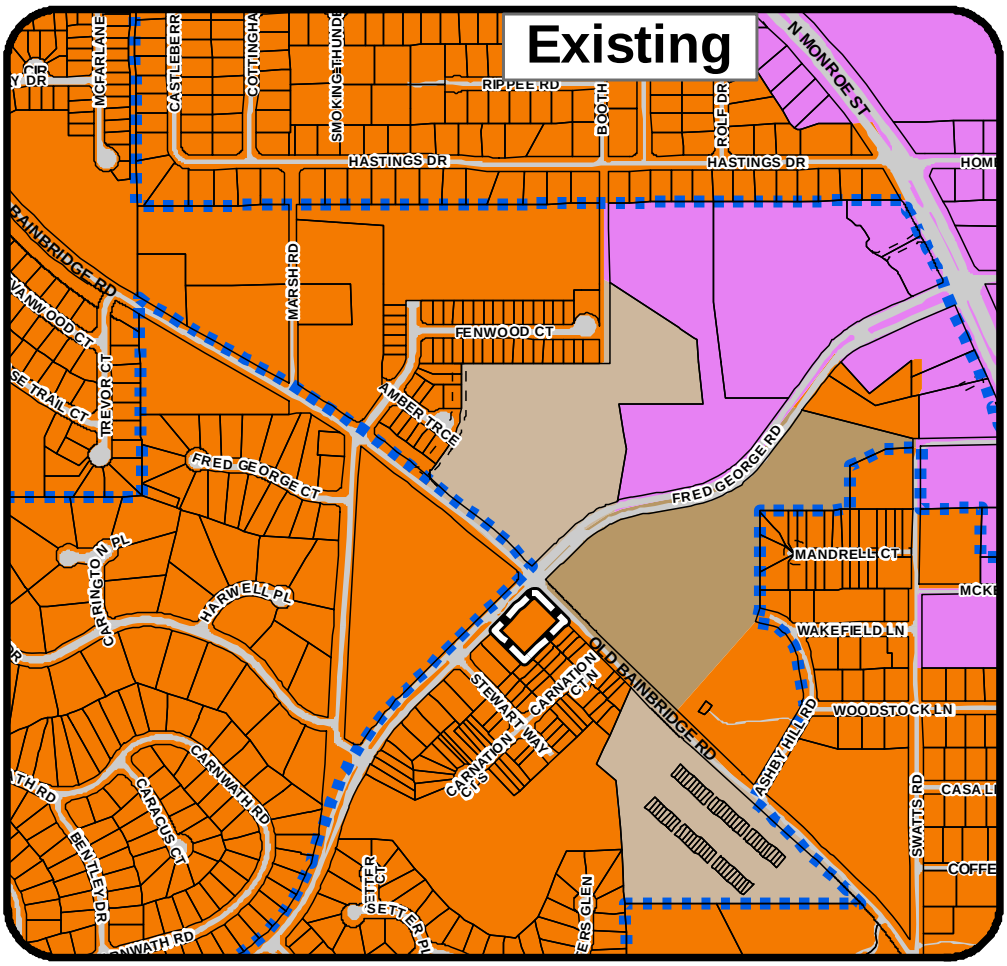
Applicant: *City of Tallahassee* **Owner:** *Andrews Enterprises Inc. (Jack Buford, Agent)*
Request: "Residential Preservation" to "Suburban" for an approximately one-acre parcel located on the southwest corner of Fred George Road and Old Bainbridge Road. This property presently contains a 1,973 square-foot convenience store built in 1987 in accordance with the former Huntington Woods Development of Regional Impact (DRI) development order. On June 23, 2010, the City Commission rescinded the Huntington Woods DRI development order and the existing convenience store use of the property became a non-conforming use.

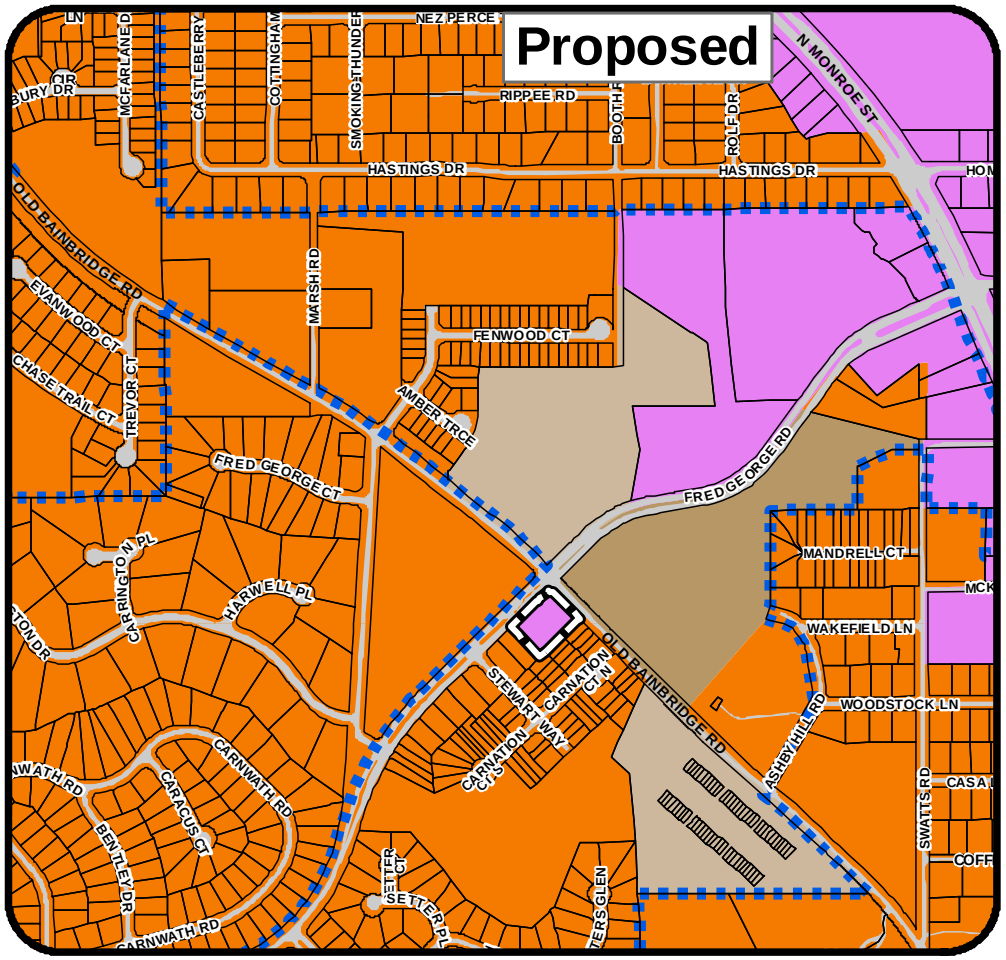
Staff Recommendation:
Approval

Local Planning Agency:
Approval

City Commission:
Approval

Board of County Commissioners:
Approval





Future Land Use

Legend

- Residential Preservation
- Suburban
- Urban Residential
- Urban Residential 2

Subject Parcel

Fred George and Old Bainbridge Road PCM130108

City of Tallahassee

Existing

Residental Preservation

Proposed

Suburban

N W E S

SITE TAX ID#
21-09-47-000-0010

ACRES: 1.0 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

Text Amendment PCT130109
Steep Grade Policy in Urban Service Area

Applicant: *Board of County Commissioners*
Request: The requested amendment removes the Comprehensive Plan requirement for significant and severe grade regulations inside the Urban Service Area. Requirements outside the Urban Service Area are unchanged. The amendment also provides authorization for, but does not require, some level of grade regulation in the Land Development Code that is appropriate for fostering compact urban development inside the Urban Service Area. The goals of the amendment are to provide flexibility in the protection of steep grades, help direct development and growth to inside the Urban Service Area, and further the protection of lands outside of the Urban Service Area.

Staff Recommendation:
Approval

Local Planning Agency:
Approval

City Commission:
Approval

Board of County Commissioners:
Approval

PCT130109 As Proposed

CONSERVATION AREAS

Policy 1.3.1: [C] ~~(City of Tallahassee)~~ *(Revision Effective 6/07/01)*

The following natural features shall be identified and mapped prior to rezoning or development and be regulated as conservation areas:

a) Altered floodplains and floodways,
b) Altered watercourses and improved elements of the primary drainage system;
c) Altered wetlands;
d) Closed basins;
e) Significant grade areas ~~(~~10% - 20%~~)~~ (only required outside of the Urban Service Area);
f) High quality successional forests;
g) Areas exhibiting active karst features;
h) Designated canopy road corridors.

~~**Policy 1.3.1: [C]** (Leon County) *(Revision Effective 6/07/01)*~~

~~The following natural features shall be mapped and be included in the conservation overlay:~~

~~a) Altered floodplains and floodways,~~
~~b) Altered watercourses and improved elements of the primary drainage system;~~
~~c) Altered wetlands;~~
~~d) Closed basins;~~
~~e) Significant grade areas (10% - 20%);~~
~~f) High quality successional forests;~~
~~g) Areas exhibiting active karst features;~~
~~h) Designated canopy road corridors.~~

Policy 1.3.2: [C] *(Revision Effective 7/1/04; Revision Effective 7/26/06; Revision Effective 1/7/10)* ~~**City of Tallahassee Only**~~
Potential development within areas of the conservation overlay district shall exhibit best environmental management practices with the emphasis on designing with nature. Assessed impact upon natural resource determines density and/or intensity within a prescribed range within which the parcel is located. Planned development is required for approval. Strict performance requirements will be applied. The major criterion for approval shall be the continued functioning, with minimum disturbances, of the ecosystem, which the development is impacting. ~~For significant grades only, off-site mitigation may be approved under criteria to be included in land development regulations that allow development of a site with significant grades, and where net environmental benefit can be demonstrated via both enhanced mitigation measures on-site and protective measures at an external site.~~

Conservation area development criteria are as follows:

a) **Altered floodplains and floodways—**Development will be allowed in these areas as long as it does not impede water flow or displace volume (development will be allowed at the density consistent with the land use category). Density can be transferred out of these areas at a density reflective of the density permitted by the existing land use category.

b) Altered watercourses and improved elements of the primary drainage system—No development allowed in these areas, development density will be transferred out of these areas at a density reflective of the density permitted by the existing land use category.

c) Altered Wetlands (City of Tallahassee Only) - May only be used for a stormwater treatment facility if wetlands are degraded. Design of any stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.

d) Closed basins—These areas will be permitted to develop only to the extent that there is sufficient stormwater capacity within the basin. Development will be permitted reflective of the density allowed by the existing land use category.

e) Significant grade areas (10-20%)- The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. However, in order to help direct development and growth to inside the Urban Service Area and further the protection of lands outside of the Urban Service Area, significant grade regulations are not required by the Comprehensive Plan within the Urban Service Area. Land development regulations may provide protection appropriate for more compact urban development inside the Urban Service Area for significant grades near wetlands, water bodies, watercourses, floodways, floodplain, and karst. ~~The density and intensity of the proposed land use and its resulting impervious or disturbed area should be suitable for the site. It is not the intent of this policy to regulate man made slopes.~~

Areas outside the Urban Service Area shall be regulated by this policy and ~~D~~development will be allowed at a density reflective of the density permitted by the existing land use category. Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category. It is not the intent of this policy to regulate man made slopes. Development outside the Urban Service Area will be permitted provided the following are done:

(1) Minimize any topographical changes. Minimal grade changes typically associated with site development include those necessary for the safety of a building, parking area, road right-of-way, handicapped access, or associated utilities, including stormwater management system.
(2) A minimum of 50% of the grade must be left undisturbed or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas.
(3) Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.
(4) The implementing LDRs shall address erosion, local topography, water quality and existing vegetation as appropriate.~~;~~
~~(a) Create new, high wage employment (may be based on a minimum annual wage, number of jobs created, and limited to exclusive office and industrial~~

~~(5) In lieu of the above, land development regulations may provide for off-site mitigation for development sites that meet the following criteria:~~
~~(a) The site is within or adjoining Capital Circle, south of Interstate 10;~~
~~(b) The site is not within a Target Planning Area (TPA), Critical Planning Area (CPA), or Planned Unit Development;~~
~~(c) The site is served by a roadway in place, constructed to City or County standards, whichever is applicable and for which there is adequate capacity; and all water, sewer, and electric infrastructure necessary to serve the site are available;~~

~~(d) The significant grades on the site are not part of, do not include, and are not adjacent to previously protected significant grades or other preservation areas or conservation areas (other than significant grades) for which there are no off-site mitigation options;~~

~~(e) The significant grades on-site are not necessary for buffering other preservation areas or conservation areas on-site or on adjoining parcels; and~~

~~(f) An off-site mitigation plan for the development of the significant grades site has been approved that demonstrates net environmental benefit. *(Effective 7/1/04)*~~

~~The additional flexibility that may be granted under this section is not limited by Conservation *Policy 1.3.7 (Effective 6/07/01)*~~

~~Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category.~~

f) High quality successional forest -- If the entire site is high quality successional forest, the site may be developed at the allowed density with no more than 20% disturbance of the site. Those areas designated to remain natural shall be selected in a manner that protects or enhances adjacent or other on-site natural features. Development density can be transferred to non-environmentally sensitive areas at the density allowed by the existing land use category. If the transfer option is not used, development may be permitted at a density of one (1) unit per two (2) acres.

g) Areas exhibiting active karst features (sink holes) -- No untreated stormwater will be allowed to enter active karst features. Stormwater discharged to active karst features must meet the following criteria:

(1) Runoff must be treated to comply with Sec. 17-25.700(2) F.A.C.;
(2) Discharge rate and volume shall not exceed predevelopment rate and volume;
(3) The area within the uppermost contour of an active sink, as determined by standard geotechnical evidence in consideration of soil types, slopes, vegetation, topography and geologic features shall remain natural. A transitional buffer from the uppermost contour may also be required;
(4) There will be no discharge of water to an active karst feature from any land use, which uses, produces or generates as waste any listed Resource Conservation and Recovery Act material or listed Environmental Protection Agency priority pollutant.

h) Designated canopy roads (*Revision Effective 6/28/02*) -- Development can be permitted at a density consistent with the density allowed by the existing land use category, provided that the following are done:

(1) No clearing may occur in the canopy road zone (cpz)(100 feet from center line of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public or, for linear sidewalk improvements when practical given the unique attributes of the particular site as approved by the local government provided they meet the following criteria:
    (a) Clearing in the canopy road zone will be kept to a minimum.
    (b) A variety of surfaces will be evaluated for use in the sidewalk/pathway through the cpz based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.
    (c) Sidewalks may not always be required in the cpz given the impact to the cpz or encroachment on other conservation or preservation features.

(2) Any part of the canopy road zone that is cleared or has trees removed from it must be

widened by the same amount that was removed;

(3) A full analysis of the impact of a development on the affected canopy road must be submitted at the time of development review;

(4) Joint access to canopy roads will be utilized unless there is no alternative. New cuts into canopy roads must be designed to serve more than one property development

Conservation Areas Summary Chart ~~**(City of Tallahassee)**~~ *(Revision Adopted 1/7/10)*

	Transfer	Develop
Altered Floodplains and floodways	Density per land use category	Density per land use if (1)*
Altered Wetlands (City only)	Density per land use category	May only be used for storm-water treatment facility if wetlands are degraded **
Altered watercourses, improved elements of primary drainage system	Density per land use	None
Closed basin	Density per land use	Density per land use if (2)*
Significant grades (6) (10-20%)	Density per land use ~~unless (6)*~~	Density per land use if (3)* or 1 unit per acre ~~unless (6)*~~
High quality successional forest	Density per land use	Density per land use if (4)* or 1 unit per acre
Active karst features	Density per land use. No untreated storm-water, *meet all additional criteria.	Density per land use. No untreated stormwater, *meet all additional criteria.
Designated Canopy Roads	Density per land use	Density per land use if (5)* or 1 unit per acre. 100 ft. zone applies.

**footnotes* *(1) Provided it does not increase flow or displace volume.*

(2) There must be sufficient stormwater capacity within the closed basin.

(3) Provided:

a) Topographical changes are minimized.

b) 50% of grade left undisturbed (or under approved vegetation management plan)

c) Small areas of severe grades within significant grades may be treated as significant grades.

(4) Provided development is clustered and there is no more than 20% disturbance of the site.

(5) Provided all requirements are met, i.e., 100 foot zone, authorized access with no alternative or health safety and welfare of public, analysis of impact, joint access.

(6) ~~*Off-site mitigation plan is approved per land development regulations consistent with the Comprehensive Plan. (Effective 7/1/04)*~~*The Comprehensive Plan only regulates significant grades outside of the Urban Service Area.*

*** Design of the stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.*

Policy 1.3.2: [C] *(Revision Effective 6/07/01; Revision Effective 7/26/06)* **Leon County Only**

Potential development within areas of the conservation overlay district shall exhibit best environmental management practices with the emphasis on designing with nature. Assessed impact upon natural resource determines density and/or intensity within a prescribed range within which the parcel is located. Planned development is required for approval. Strict performance requirements will be applied. The major criterion for approval shall be the continued functioning, with minimum disturbances, of the ecosystem, which the development is impacting.

Conservation area development criteria are as follows:

a) **Altered floodplains and floodways** – Development will be allowed in these areas as long as it does not impede water flow or displace volume (development will be allowed at the density consistent with the land use category). Density can be transferred out of these areas at a density reflective of the density permitted by the existing land use category.

b) **Altered watercourses and improved elements of the primary drainage system** – No development allowed in these areas, development density will be transferred out of these areas at a density reflective of the density permitted by the existing land use category.

c) **Altered Wetlands (City of Tallahassee Only)** - May only be used for a stormwater treatment facility if wetlands are degraded. Design of any stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.

d) **Closed basins** – These areas will be permitted to develop only to the extent that there is sufficient stormwater capacity within the basin. Development will be permitted reflective of the density allowed by the existing land use category.

e) **Significant grade areas (10-20%)** - The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. The density and intensity of the proposed land use and its resulting impervious or disturbed area should be suitable for the site. It is not the intent of this policy to regulate man-made slopes.

Development will be allowed at a density reflective of the density permitted by the existing land use category. Development will be permitted provided the following are done:

(1) Minimize any topographical changes. Minimal grade changes typically associated with site development include those necessary for the safety of a building, parking area, road right-of-way, handicapped access, or associated utilities, including stormwater management system.
(2) A minimum of 50% of the grade must be left undisturbed or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas.
(3) Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.
(4) The implementing LDRs shall address erosion, local topography, water quality and existing vegetation as appropriate; and will contain specific conditions

~~under which additional development with greater than 50% impact can be granted in significant grade areas within the urban service area to:~~

~~a. Encourage urban infill in the urban core (see urban core map); or~~
~~b. Create new, high wage employment (may be based on a minimum annual wage, number of jobs created, and limited to exclusive office and industrial~~

~~The additional flexibility that may be granted under this section is not limited by Conservation Policy 1.3.7 [C]. *(Effective 6/07/01)*~~

~~Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category.~~

~~**f) High quality successional forest** -- If the entire site is high quality successional forest, the site may be developed at the allowed density with no more than 20% disturbance of the site. Those areas designated to remain natural shall be selected in a manner that protects or enhances adjacent or other on-site natural features. Development density can be transferred to non-environmentally sensitive areas at the density allowed by the existing land use category. If the transfer option is not used, development may be permitted at a density of one (1) unit per two (2) acres.~~

~~**g) Areas exhibiting active karst features (sink holes)** -- No untreated stormwater will be allowed to enter active karst features. Stormwater discharged to active karst features must meet the following criteria:~~

~~(1) Runoff must be treated to comply with Sec. 17-25.700(2) F.A.C.;~~
~~(2) Discharge rate and volume shall not exceed predevelopment rate and volume;~~
~~(3) The area within the uppermost contour of an active sink, as determined by standard geotechnical evidence in consideration of soil types, slopes, vegetation, topography and geologic features shall remain natural. A transitional buffer from the uppermost contour may also be required;~~
~~(4) There will be no discharge of water to an active karst feature from any land use, which uses, produces or generates as waste any listed Resource Conservation and Recovery Act material or listed Environmental Protection Agency priority pollutant.~~

~~**h) Designated canopy roads** (*Revision Effective 6/28/02*) -- Development can be permitted at a density consistent with the density allowed by the existing land use category, provided that the following are done:~~
~~(1) No clearing may occur in the canopy road zone (cpz)(100 feet from center line of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public or, for linear sidewalk improvements when practical given the unique attributes of the particular site as approved by the local government provided they meet the following criteria:~~
~~(a) Clearing in the canopy road zone will be kept to a minimum.~~
~~(b) A variety of surfaces will be evaluated for use in the sidewalk/pathway through the cpz based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.~~

~~(c) Sidewalks may not always be required in the cpz given the impact to the cpz or encroachment on other conservation or preservation features.~~

~~(2) Any part of the canopy road zone that is cleared or has trees removed from it must be widened by the same amount that was removed;~~

~~(3) A full analysis of the impact of a development on the affected canopy road must be submitted at the time of development review;~~

~~(4) Joint access to canopy roads will be utilized unless there is no alternative. New cuts into canopy roads must be designed to serve more than one property development.~~

~~**Conservation Areas Summary (Leon County)**~~

	~~Transfer~~	~~Develop~~
~~Altered Floodplains and floodways~~	~~Density per land use category~~	~~Density per land use if (1)*~~
~~Altered Wetlands (City only)~~	~~Density per land use category~~	~~May only be used for storm-water treatment facility if wetlands are degraded **~~
~~Altered watercourses, improved elements of primary drainage system~~	~~Density per land use~~	~~None~~
~~Closed basin~~	~~Density per land use~~	~~Density per land use if (2)*~~
~~Significant grades (10-20%)~~	~~Density per land use~~	~~Density per land use if (3)*~~
~~High quality successional forest~~	~~Density per land use~~	~~Density per land use if (4)* or 1 unit per acre~~
~~Active karst features~~	~~Density per land use. No untreated storm-water, *meet all additional criteria.~~	~~Density per land use. No untreated stormwater, *meet all additional criteria.~~
~~Designated Canopy Roads~~	~~Density per land use~~	~~Density per land use if (5)* or 1 unit per acre. 100 ft. zone applies.~~

~~*footnotes (1) Provided it does not increase flow or displace volume.~~

~~(2) There must be sufficient stormwater capacity within the closed basin.~~

~~(3) Provided:~~

~~a) Topographical changes are minimized.~~

~~b) 50% of grade left undisturbed (or under approved vegetation management plan)~~

~~c) Additional flexibility available through the LDRs for urban core and high wage employment.~~

~~d) Small areas of severe grades within significant grades may be treated as significant grades. (Effective 6/07/01)~~

~~(4) Provided development is clustered and there is no more than 20% disturbance of the site.~~

~~(5) Provided all requirements are met, i.e., 100 foot zone, authorized access with no alternative or health safety and welfare of public, analysis of impact, joint access.~~

~~** *Design of the stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.*~~
~~**Policy 1.3.3: [C]** (City of Tallahassee Only) *(Effective 7/26/06; Revision Effective 1/7/10)*~~

~~When conservation features are present, mitigation via the transfer of development to non-environmentally sensitive areas on-site is preferable. Land development regulations shall be developed that permit off-site mitigation for significant grades on properties within or adjoining Capital Circle, south of Interstate 10 that meet the criteria set forth in the Conservation Element. Density transfer shall be within the parcel; no off-site transfer of density is permitted except as provided for in Policy 1.3.13 [C] of this element. Transfer of development density to non-environmentally sensitive areas on-site will be allowed up to the density permitted by the future land use category in which the parcel is located. The amount of density transfer may be limited by other applicable requirements and ordinances implemented during the development review process, such as requirements for stormwater retention, open space and landscaping, buffer, setbacks, parking, transportation access and any concurrency requirements. If there is no area on the site suitable for transfer and off-site mitigation is not available or used, development will be allowed at one unit per acre unless otherwise stated. Where open space requirements are part of the land development code, 50% credit may be given for conservation areas that are preserved. In no case can the density on the developable portion of the site be more than double the allowed density of the Land Use category in which the parcel is located. In order to allow development to reach their maximum density, development within the Downtown Overlay shall be exempt from the significant and severe slope requirements established within the conservation overlay.~~

Policy 1.3.3: [C] ~~(Leon County Only)~~ *(Effective 7/26/06)*

In all cases the transfer of development to non-environmentally sensitive areas is preferable. Density transfer shall be within the parcel; no off-site transfer is permitted. Transfer of development density to non-environmentally sensitive areas will be allowed up to the density permitted by the future land use category in which the parcel is located. The amount of density transfer may be limited by other applicable requirements and ordinances implemented during the development review process, such as requirements for stormwater retention, open space and landscaping, buffer, setbacks, parking, transportation access and any concurrency requirements. If there is no area on the site suitable for transfer, development will be allowed at one unit per acre unless otherwise stated. Where open space requirements are part of the land development code, 50% credit may be given for conservation areas that are preserved. In no case can the density on the developable portion of the site be more than double the allowed density of the Land Use category in which the parcel is located.

PRESERVATION AREAS

Policy 1.3.4: [C] ~~(City of Tallahassee only) *~~ *(Revision Effective 12/10/91; Renumbered Eff. 7/26/06)*

The following natural features shall be identified and mapped prior to rezoning or development and be regulated as preservation areas:

a) Wetlands and waterbodies and water courses;
b) Severe grades over 20% (only required outside of the Urban Service Area);
c) Native forests;
d) Undisturbed/undeveloped 100 year floodplain; and
e) Areas of environmental significance
f) Habitats of endangered, threatened and species of special concern.

~~**Policy 1.3.5: [C]** (Leon County only) ***** *(Revision Effective 12/10/91; Renumbered Effective 7/26/06)*~~

~~The following natural features shall be mapped and be included in the preservation overlay~~

~~a) Wetlands and waterbodies and water courses;~~
~~b) Severe grades over 20%;~~
~~c) Native forests;~~
~~d) Undisturbed/undeveloped 100 year floodplain; and~~
~~e) Areas of environmental significance~~
~~f) Habitats of endangered, threatened and species of special concern.~~

~~** See Explanation of Environmental Overlays in Land Use Element*~~

Policy 1.3.6: [C] *(Revision Effective 12/7/99; Revision Effective 7/26/06)*

Development approval within the preservation ~~overlay districts~~ areas shall be restricted to extremely low density and intensity type projects due to the environmental constraints present. Alteration due to development would result in destruction or severe degradation of the natural resource function. As a result, these areas are unsuitable for all but extremely low-density development for one or more of the following reasons:

(1) To prevent degradation of water quality.
(2) To prevent degradation of freshwater storage capabilities.
(3) To prevent the degradation of biological productivity.
(4) To prevent damage to property and loss of life due to flooding.
(5) To prevent degradation of the viability and diversity of native plants and animals and their habitats.
(6) To assure the conservation of irretrievable or irreversible resources.

Preservation areas development criteria are as follows

Preservation Areas

	Transfer	Develop
Wetlands, water bodies, water courses*	Density per land use	1 unit per 40 acres
Severe grades (only required outside of the Urban Service Area)	Density per land use	1 unit per 40 acres**
Native forest	Density per land use	1 unit per 40 acres
Areas of environmental Significance	Density per land use	1 unit per 40 acres
Undisturbed/undeveloped 100 year floodplains	Density per land use	1 unit per 40 acres
Habitat of endangered, threatened, or species of special concern	Density per land use	1 unit per 40 acres, management plan

* *Footnote: Any portion of a site within a water body, which is also a preservation area, shall be excluded when calculating a transfer.*

***Footnote: When an area of significant grades contains within its boundaries small fragments of severe grades, the criteria for development within significant grades may be authorized. (Effective 6/07/01)*

Policy 1.3.7: [C] *(Revision Effective 9/19/9; Renumbered Effective 7/26/06)* ~~**Leon County Only**~~

Development must be clustered away from preservation areas on to non-environmentally sensitive portions of the site. Clustering development outside conservation areas shall be the preferred option and shall be implemented through the use of density incentives to be applied on-site.

Policy 1.3.8: [C] *(Revision Effective 7/1/04; Renumbered Effective 7/26/06)* ~~**City of Tallahassee Only**~~

~~Development must be clustered away from preservation areas on to non-environmentally sensitive portions of the site. Clustering development outside conservation features shall be the preferred option except where the conservation features consist solely of significant grades, an off-site mitigation plan has been approved and no other conservation or preservation features will be affected, and shall be implemented through the use of density incentives to be applied on-site.~~

…

Policy 1.3.12: [C] *(Effective 9/19/91; Renumbered Effective 7/26/06)* ~~**Leon County Only**~~

When there are no non-environmentally sensitive areas on which to cluster on a parcel, the allowable density must be clustered in the portion of the site that will have the least impact on the natural resource being impacted.

Policy 1.3.13: [C] *(Revision Effective 7/1/04; Renumbered Effective 7/26/06)* ~~**City of Tallahassee Only**~~

~~When there are no non-environmentally sensitive areas on which to cluster on a parcel, the allowable density must be clustered in the portion of the site that will have the least impact on the natural resource being impacted unless the conservation features consist solely of significant grades, an off-site mitigation plan has been approved and no other conservation or preservation features will e affected.~~

Policy 1.3.14: [C] *(Effective 7/1/04; Renumbered Effective 7/26/06)* ~~**City of Tallahassee Only**~~

~~Environmental and ecological services shall be taken to include habitat, nutrient uptake, carbon sequestration, flood detention, water storage, and related function. Without measures to ensure their continued delivery, off-site mitigation may result in a net loss of such services and their economic contribution to the community. Consequently, the hierarchy of preferred development strategies shall be as follows:~~

~~(1) Design development to be compatible with conservation and preservation features on site (No mitigation required).~~

~~(2) Design development to avoid, or minimize or ameliorate impacts to conservation and preservation features on site (On-site mitigation).~~

~~(3) Local government may adopt land development regulations that provide an off-site mitigation option for properties in certain locations that contain significant grades greater than a certain size or percentage of the parent tract. Such off-site mitigation may be employed in cases where an applicant demonstrates that neither (1) nor (2) can be realistically achieved by design subject to existing zoning and environmental permitting requirements (Off-site mitigation).~~

~~a) In no instance shall the off-site mitigation option be employed where the subject area adjoins other conservation or preservation features and the environmental services collectively provided would be measurably diminished.~~

~~b) In all instances, employment of the off-site mitigation option shall preclude the use of site design alternatives that reduce the percentage of the site dedicated to landscaping or natural area preservation.~~

~~c) Pursuant to policies or programs to improve the quality of receiving waters, including Surface Water Improvement and Management (SWIM) Plans, Total Maximum Daily Loads (TMDLs), Stormwater Pollutant Reduction Programs, and Lake Management or Action Plans, local government may establish stricter standards for stormwater treatment for sites employing off-site mitigation.~~

Policy 1.3.15: **[C]** *(Effective 7/1/04; Renumbered Effective 74/26/06)* ~~**City of Tallahassee Only**~~

~~Local government recognizes that the design of a site is in part an economic decision, and that offsite mitigation may be accomplished by several means. Consequently, the preferred hierarchy of off-site mitigation strategies for significant grades shall be as follows:~~

~~(1) Participation in a mitigation bank established within the same major drainage basin that is managed to generate all of the environmental services provided by significant grades.~~
~~(2) Participation in a mitigation bank established in another major drainage basin that is managed to generate all of the environmental services provided by significant grades.~~
~~(3) Via conservation easement or similar instrument, bona fide preservation and management on other property owned or to be acquired by the applicant equal to twice (two times) the acreage of significant grades on-site to be mitigated.~~
~~(4) Fees-in-Lieu provided to Local Government to acquire and manage property to compensate for the loss of environmental services provided by significant grades, plus a stormwater management surcharge to compensate for within-drainage basin impacts attributable to the loss of significant grades.~~

Text Amendment PCT130110
Updating Environmental Definitions

Applicant: *Planning Department*
Request: This is a request to amend the Glossary of the Comprehensive Plan to update environmental definitions that were recently amended in the City and County Code as part of the Countywide Minimum Environmental Standards project. These changes will avoid confusion between the definitions included in the City and County Code and the definitions in the Comprehensive Plan.

Staff Recommendation:
Approval

Local Planning Agency:
Approval

City Commission:
Approval

Board of County Commissioners:
Approval

PCT130110 As Proposed

GLOSSARY

HIGH QUALITY SUCCESSIONAL FOREST: *(Rev. Effective 12/10/91)* ~~(City of Tallahassee only)~~ High quality successional forest ~~is an early stage in natural community development characterized by an ability to provide wildlife habitat and within which natural community type species are present in such numbers, size, and diversity that succession is toward a recognizable mature natural community.~~ shall mean a medium quality natural plant community that is a forest type described in the Florida Natural Areas Inventory publication "Guide to the Natural Communities of Florida." These forests typically show signs of past disturbances, but still retain a good distribution of high quality indicator species. A medium quality natural community generally possesses the following characteristics:

1) The floristic composition contains many of the more common species typical of the natural community type, although most rare species are absent;
2) The community may contain invasive exotic plants that could be controlled through management;
3) The community has likely had some past disturbance, but not to the extent that the potential for recovery or restoration to a high quality natural community is significantly impaired (unauthorized activities in high quality successional forest areas resulting in a violation of the ordinances will not be excluded from protection as such).

~~**HIGH QUALITY SUCCESSIONAL FOREST:** *(Effective 7/16/90)* (Leon County only) High quality successional forest is a community of mixed or single species of trees and understory vegetation with both mature and immature trees, comprised of a mix of age classes that does or would support an abundance of wildlife.~~

~~**NATIVE FOREST:** *(Rev. Effective 12/10/91)* (City of Tallahassee only) A vegetative community (1) dominated by native species, including trees, understory vegetation and wildlife, and (2) structured as a forest type described in the Florida Natural Areas Inventory publication, "Guide to Natural Communities of Florida." Historical disturbance may have occurred but has not destroyed or prevented re-establishment of the community. Standard professional measures will be used to evaluate the quality of the subject area along with other biological and physical factors that may be evident.~~

NATIVE FOREST: *(Effective 7/16/90)* ~~(Leon County only) A community of vegetation, including trees, understory vegetation and associated wildlife that were present in Leon County prior to European settlement.~~
Native forest shall mean a high quality natural plant community that is a forest type described in the Florida Natural Areas Inventory publication "Guide to the Natural Communities of Florida." A high quality natural community generally possesses the following characteristics:

1) The plant species composition is dominated by high quality indicator species which are typical of their natural community type;
2) The community may contain invasive exotic plants that could be controlled through management;
3) Evidence of historical disturbance may be present, but the disturbance has not destroyed or prevented the re-establishment of a high quality natural community type.

WETLAND (*Revision Effective 6/28/02*)**:** Wetlands mean those areas included within the landward extent of surface waters of the state, pursuant to applicable rules in the Florida Administrative Code, or any area which is ~~that are~~ inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and which under normal circumstances does ~~or would~~ support~~, at least periodically,~~ a prevalence of vegeta~~ta~~tion typically adapted for life in saturated soils. Soils present in wetlands generally are classified as

hydric or alluvial, or possess characteristics that are associated with reducing~~ed~~ soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligated hydrophy~~y~~tic macrophytes that are typically adapted to areas having soils conditions described in this definition~~above~~. These species, due to morphological, physiological, or reproductive adaptations have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps and marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The City of Tallahassee and Leon County intend to continue to protect isolated wetlands and wetlands on properties held by a single owner. Isolated wetlands and wetlands in one ownership must meet the State of Florida's definition for wetlands with regard to percent composition of wetland plant species, hydrologic indicators, and soils (Chapter 62-340, F.A.C.)

Text Amendment PCT130111
Cleanup of Policies 1.1.10 [M] and 2.1.8 [LU]

Applicant: *Planning Department*
Request: This is a request to amend the Mobility Element and the Land Use Element. The amendment updates and removes outdated language in Policy 1.1.10 [M] and Policy 2.1.8 [L] and correctly identifies the policy guidance to receive a density bonus in the Mobility District (Multi-Modal Transportation District).

Staff Recommendation:
Approval

Local Planning Agency:
Approval

City Commission:
Approval

Board of County Commissioners:
Approval

PCT130111 As Proposed

Policy 1.1.10 [M]

MMTD Residential Density Bonus. In order to increase redevelopment and infill development, residential densities within the MMTD may be increased up to 35% above the maximum allowed in the Residential Densities Range Table. This bonus shall not apply to lands designated Residential Preservation. Further bonuses may be applied to the Downtown. Eligibility criteria for these bonuses will be established within the land development regulations and shall include design standards facilitating pedestrian oriented site and building design with enhanced pedestrian access and amenities, urban scale development, innovative parking strategies, integrated mix of land uses, and other urban design features. ~~In areas designated Central Core on the Future Land Use Map, any development with density of more than 10dwelling units per acre shall be consistent with these design standards subject to further clarification in the Land Development Code.~~

Policy 2.1.8: [L] (*Revision Effective 7/26/06; Revision Effective 1/7/10)*

Maintain a viable mix of available residential densities to accommodate a variety of housing types. Current residential densities are summarized below:

RESIDENTIAL DENSITIES RANGE *(Revision Effective 12/15/11)*

Future Land Use Category	Maximum Gross Density - Dwelling Units (DU)/Acre (Ac)[1]	Minimum Gross Density Dwelling Units (DU)/Acre (Ac)
Rural	**1 DU/10 Ac**	**No minimum**
Urban Fringe	**1 DU/3 Ac (standard) or 1DU/3 Ac (Conservation subdivision)**	**No minimum**
Urban Residential	**10 DU/AC**	**4 DU/Ac**
Urban Residential 2	**20 DU/Ac [2]**	**No minimum**
Village Mixed Use	**20 DU/Ac [2]**	**No minimum**
Suburban	**20 DU/Ac [2]**	**No minimum**
Planned Development	**20 DU/Ac [2]**	**No minimum**
Bradfordville Mixed Use [2]	**20 DU/Ac**	**No minimum**
Central Urban [2, 3, ~~4~~]	**45 DU/Ac**	**No minimum**
Activity Center [2, 3]	**45 DU/Ac**	**No minimum**
University Transition [2, 3, ~~4~~]	**50 DU/Ac**	**No minimum**
Central Core [2, 3, ~~4~~] *(Eff.1/7/10)*	**150 DU/Ac** *(Eff. 1/19/02)*	**No minimum**
Rural Community	**4 DU/Ac**	**No minimum**
Residential Preservation [2]	**6 DU/Ac**	**No minimum**
Lake Talquin Recreation/Urban Fringe [~~5~~4]	**1 DU/3 Ac (standard)**	**No minimum**
Lake Protection [~~5~~4]	**1 DU/2 Ac (standard)**	**No minimum**

Notes:

[1] Maximum gross density is based on the gross acreage of the site and may not be achievable after addressing applicable land development regulations (e.g., parking, stormwater, and other regulations that may limit maximum development potential).

[2] Density ranges can be increased up to 25% above the maximum limits listed above for the purpose of providing affordable housing units, consistent with Policy 2.1.14 [LU].

[3] Density ranges can be increased up to 35% above the maximum limits listed above for the purpose of encouraging infill development and redevelopment, consistent with ~~Policy 12.2.2 [L]. *(Effective 1/19/02)*~~

Mobility Element Policy 1.1.10 [ME]. *(Effective 12/15/11)*

~~[4] In areas designated Central Core, University Transition and Central Urban on the Future Land Use Map, any development with density of more than 50 dwelling units per acre must be subject to the design standards identified in Policy 12.2.2 [LU]. *(Effective 1/19/02; Rev. Effective 1/7/10)*~~

~~[5]~~ [4] Clustering Option Available

Policy 2.2.10 [L]

CENTRAL CORE *(Effective 1/19/02; Revision Effective 7/26/06; Renumbered 3/14/0; Revision Effective 1/7/10)*

The current Central Core of Tallahassee has a strong government presence. However, the character of this area has changed since 2002 to a more mixed use center with new office, commercial, retail and residential uses. The Central Core of Tallahassee is intended to expand into a vibrant 18-hour urban activity center with quality development. The emphasis in this area is intended to shift from cars to pedestrian, bike and transit modes of transportation. The development regulations within the Central Core area have to be amended to allow for a more urban kind of development where the primary emphasis is on pedestrian, bike and transit modes of transportation. The Central Core area is within the Downtown Overlay. The City of Tallahassee intends to promote mix of uses and higher densities and intensities within its Central core, while promoting multiple modes of transportation. The City shall establish Design Guidelines for this area in order to allow for more mixed use, pedestrian, bike and transit oriented development. Residential development may be permitted up to 150 units per acre. Any development with density of more than 10 dwelling units per acre shall be consistent with the design standards identified in Policy ~~2.1.5 [T]~~ 1.1.10 [M] subject to further clarification in the Land Development Code.

The future expansion of the Central Core FLUM will be limited to only those parcels within the Downtown Overlay District when:

- The proposed parcels are contiguous to existing central core FLUM area;
- The proposed parcel has all the infrastructure available;
- The proposed parcel has to exhibit a need for the expansion (eg: parcel of sufficient size not available in the Central Core FLUM for the proposed development).

Text Amendment PCT130112
Addition of Paul Russell Road Extension to Future Right of Way Needs Map

Applicant: *Planning Department*
Request: This is a request to amend the Mobility Element. The amendment places the Paul Russell Road extension back on the Future Right-of-Way Needs Map. The roadway extension was previously included on the map, however during the 2011-1 amendment cycle it was removed until such time as the English property was ready for development. The proposed Paul Russell Road extension bisects the English property. In the interim, owners of the English property have moved forward with development proposals for the property, as such, the Planning Department is requesting that the roadway extension be added back to the Future Right-of-Way Needs Map.

Staff Recommendation:
Approval

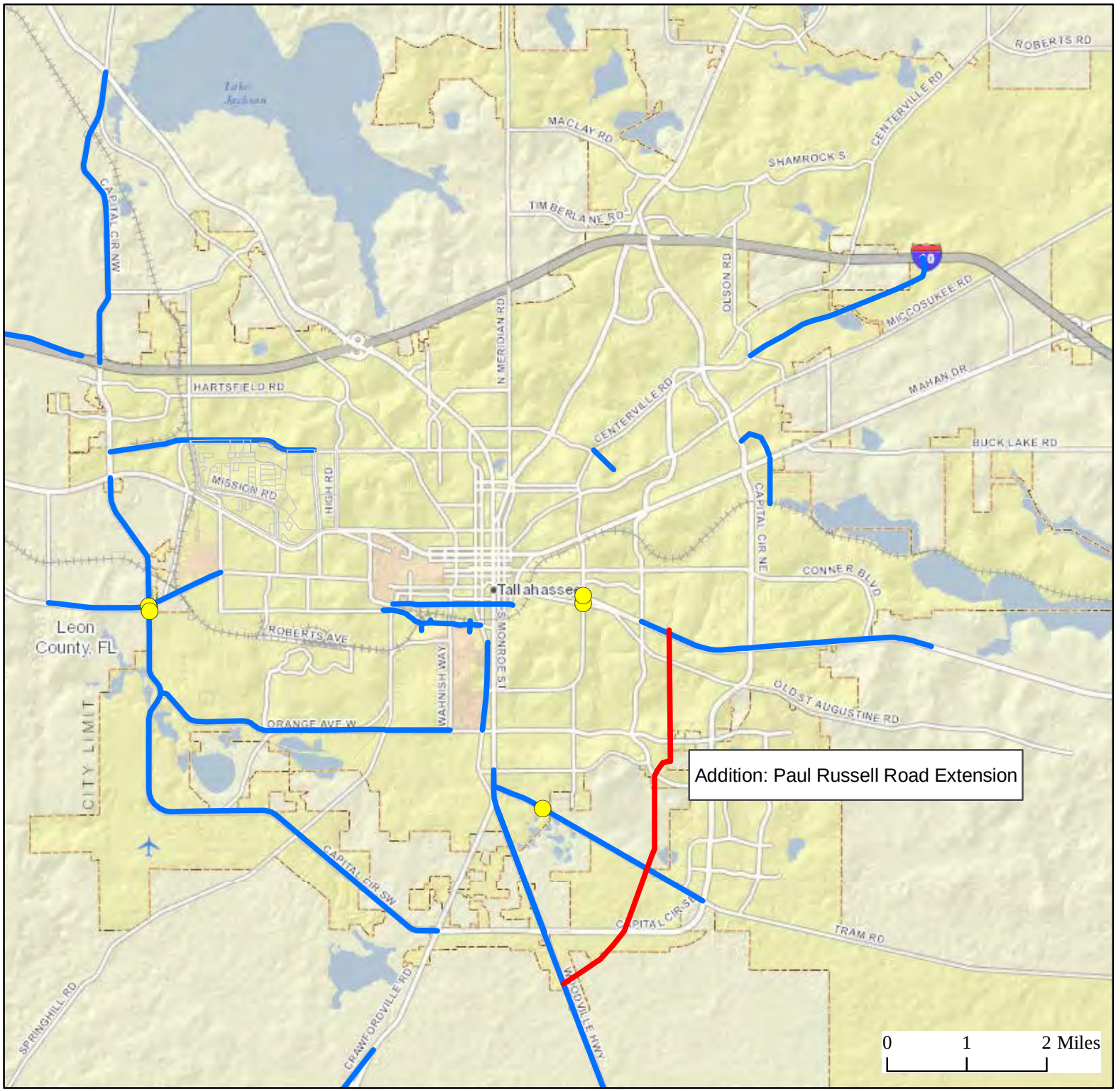
Local Planning Agency:
Approval

City Commission:
Approval

Board of County Commissioners:
Approval

PCT130112 AS PROPOSED

FUTURE RIGHT-OF WAY NEEDS MAP



Project Type

Paul Russell Road Extension

Roadway Projects

Transportation Systems Management

N

Tallahassee-Leon County
Planning Department
19 December 2012

Text Amendment PCT130113
Welaunee Plantation Access from Thornton Road

Applicant: *City of Tallahassee Commission*
Request: This is a request to amend the Welaunee Critical Area Plan in the Land Use Element. The amendment would modify Policy 13.1.4 to change the allowed roadway access to the Welaunee Toe via Miccosukee Road from a crossing of the Miccosukee Canopy Road Greenway at Arendell Way to a crossing at Thornton Road. The amendment will be subject to state approval of a proposed land exchange to allow for the alternative crossing of the Greenway at Thornton Road.

Staff Recommendation:
Approval

Local Planning Agency:
Approval

City Commission:
Approval

Board of County Commissioners:
Approval

PCT130113 As Proposed

WELAUNEE CRITICAL AREA PLAN

Land Use Goal 13 *(Effective 12/10/02)*

Guide planned development within the Welaunee Critical Planning Area through implementation of a critical area plan which includes a mixture of integrated land uses that are predominantly self-supporting rather than dependent upon public funding, places a greater emphasis on pedestrian mobility and transportation alternatives, provides new employment opportunities near major transportation arteries and protects natural systems in an urbanized setting.

…

Policy 13.1.4: Transportation *(Effective 12/10/02; Revision Effective 7/20/05)*

…

(2) The following transportation guidelines shall apply in the Toe as established in PUD Concept Plans and shown in Figure 13-3:

…

(B) Road access to the Toe from Miccosukee Road shall occur only within ~~the existing~~approved road access ~~easements~~ corridors across the Miccosukee Canopy Road Greenway at ~~Arendell Way~~Thornton Road, ~~and~~ Edenfield Road,~~. In addition, road access to the Toe from Miccosukee Road at~~ and Dempsey Mayo. ~~within the existing road access easement may be approved in a PUD Concept Plan if it is determined by the local government with jurisdiction, based on analysis, that such a connection would have a desirable impact on the Miccosukee Canopy Road.~~ All impacts to the canopy road protection zone from such access roads shall be minimized.

ATTACHMENT #4

NEW PUBLIC COMMENTS

FRIENDS OF LAKE JACKSON

WWW.FRIENDSOFLAKEJACKSON.ORG

NANCY McGRATH - PRESIDENT 850.385.2119
P. O. Box 12044
Tallahassee, FL 32317

April 4, 2013

The Honorable Mayor and Tallahassee City Commissioners
The Honorable Chairman and Leon County Commissioners
c/o Tallahassee/Leon County Planning Department
435 North Macomb Street
Tallahassee, FL 32304

Mr. Mayor, Mr. Chairman, and their Fellow Commissioners:

Re: Comprehensive Plan Map Amendment No. PCM130104 (FLUM Change from Lake Protection to Suburban along Timberlane Road)

On behalf of Friends of Lake Jackson, Inc., I would like to advise you that the Friends of Lake Jackson have some concerns about the proposed change in the Future Land Use Map for those properties presently developed along the north side of Timberlane Road west of Martin Hurst Boulevard, from Lake Protection to Suburban. This amendment as proposed in the staff expansion of the area from a single parcel to cover all presently developed parcels reflected in the Comp Plan amendment described above is the first time since the adoption of the Comp Plan in 1990 that property located in the Lake Protection district is proposed to be removed from Lake Protection, except in instances where the property either was being transferred to Government-Open Space, or was shown by subsequent specific engineering studies to have been located outside the Lake Jackson Basin. While we appreciate that the staff has presented well reasoned arguments that support the change, the Friends of Lake Jackson are concerned that less than appropriate treatment has been given to the adverse effects that existing developments are continuing to force upon Lake Jackson, primarily from the discharge of pollutants in stormwater discharges into the lake, and importantly from this very area.

The Commissions should remember that Policies 2.3.5 [C] call for both Commissions to plan and adopt a schedule for implementation of retrofits of development in the Lake Jackson Basin to reduce the adverse effects from polluted stormwater on the waters of the lake, and that these steps be taken by 2004. These policies (the City and the County have separate policies on this issue, whose differences are not material on this point) have hot been complied with to the extent intended in the Comp Plan when they were adopted. In fact, the staff report for this amendment points out that the City staff now recommends that the City policy is inconsistent with the City's present stormwater plans and the policy should be repealed. The recommended approval of the pending Timberland Road map amendment, without any requirement for further retrofit for the covered properties, flies in the face of the continuing cleanup needs of stormwater entering Lake Jackson.

The staff report also disarmingly states that if the map amendment were to be approved, there would be benefits to the stormwater systems serving the thirty-five parcels included in the expanded

area when the parcels are redeveloped. However, this ignores the fact that these existing developed parcels, even where stormwater systems exist (25 of the 35 parcels either have no stormwater systems, or have such systems that do not meet present stormwater treatment requirements) are under no requirement to retrofit anything as long as no modifications to their existing structures and operations are requested. So there is no information in the staff report on which the Commissions can expect any improvement in the stormwater that will be flowing from these parcels in the foreseeable future. Even the statement that the site that initiated this amendment contains an under-building stormwater storage vault to hold 3.5 inches of rainfall provides no comfort, since this measure does not disclose over what length of time this rainfall would occur, or the recovery period by which time the existing system would again provide that capacity. The Commissions should be aware that the stormwater standards that would have to be met were the amendment to be adopted are significantly weaker than those that would be applied for developments in the Lake Protection areas. Additionally, the staff report points out that the area proposed to be removed from Lake Protection is developed with over sixty percent of the 9.9 acres that comprise the total area of the subject properties being impervious. But the Suburban category with the proposed OR-3 zoning would allow only about forty-five percent impervious area, so the district would still be "overbuilt."

The staff report also references the Market District Placemaking Plan, which mentions various benefits that may come from enhanced development and redevelopment in the Timberlane-Market Square area. A glaring omission in the aspects of this plan is that it does not address the stormwater impacts that presently are reaching Lake Jackson from this area. These properties are at the top of the basin, and apparently, it is "out of sight, out of mind" once the stormwater leaves the area headed downhill to Ford's Arm. These discharges flow through the Timberlane Road area to the west, cross Meridian Road at Eddie Mitchell's new Goodwill Donation Station location, frequently also flooding Meridian Road, and continue along John Hancock Drive through Lakeshore Gardens to Ford's Arm. The S.W.I.M. Plan for Lake Jackson called for a regional stormwater treatment center for this discharge area as long ago as 1994, and the Comp Plan was even amended to permit the construction of such governmental facilities within the 100-foot elevation of the lake basin when no other alternatives seemed reasonably available. See Policy 2.1.9 [C]. This area is the last major drainage system from the urbanized areas in the Lake Jackson Basin that has not had any retrofit facilities constructed to serve those developed areas. The Friends of Lake Jackson would urge the Commissions to adopt as a priority that the stormwater discharges through this area should receive priority consideration in the efforts to continue the protection of Lake Jackson's ecosystem. We also urge the Commissions not to allow this particular amendment to be considered as precedent for the removal of other areas that are clearly within the Lake Jackson Basin and within the Lake Protection FLUM area, to avoid the protections that the Lake Protection FLUM designation was carefully designed to deliver benefits for the lake.

For the foregoing reasons, the Friends of Lake Jackson cannot give its support to the amendment, either as originally requested or as proposed for expansion by the staff. Nevertheless, and anticipating that you will disagree, the Friends of Lake Jackson do request that both Commissions recognize that the stormwater pressures from this area badly need the Commissions' concerted efforts to reduce adverse impacts that existing developments continue to pour into Lake Jackson.

Respectfully submitted,

/s/ *Nancy McGrath*
Mrs. Nancy McGrath, President

From:	Wiebler, Brian T.
To:	City Commission Office; City Manager"s Office; County Commissioners; Franklin, Arielle; Glee, Regina; Harrison, Andy; Jones, Catherine; Summerlin, Linda; Tanner, Brenda
Cc:	Tedder, Wayne; Manning, Roxanne; Bryant, Cherie (Planning); Long, Vince; Rosenzweig, Alan; Park, Tony; Sullivan, Sherri L.
Subject:	Staff Response to Friends of Lake Jackson April 4, 2013 Letter
Date:	Tuesday, April 09, 2013 3:41:59 PM
Attachments:	image003.png

Message provided per direction of Roxanne M. Manning, Manager, Tallahassee, Leon County Planning Department.

City and County Commissioners,

Nancy McGrath, president of the Friends of Lake Jackson, provided staff with a letter that was also sent to City and County Commissioners, opposing the proposed Comprehensive Plan amendment to remove approximately 10 acres of developed land along Timberlane Road from the Lake Protection category (PCM130104).

Staff has reviewed the letter and identified two primary items that we wanted to address prior to the public hearing this evening. First is a concern that the proposed amendment would result in significantly weaker stormwater standards for the subject properties. This is not accurate. The existing stormwater standard in City Code will not be affected by the proposed amendment. The second issue is a request for a regional stormwater treatment facility to address discharge from existing development in this area. County Public Works, through review of alternatives and design goals, has achieved a 30% design for the Lexington facility, a stormwater retrofit project in the same drainage basin as the proposed amendment.

Staff will be available at the Joint Transmittal Public Hearing at 6:00 PM to answer any additional questions you may have.

Brian Wiebler, AICP
Principal Planner, Comprehensive Planning Team
Tallahassee-Leon County Planning Department
300 South Adams St. Tallahassee, Florida 32301
(850) 891 – 6416 brian.wiebler@talgov.com
www.talgov.com
"People Focussed. Performance Driven"

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

CITY OF TALLAHASSEE

LEON

"People Focused. Performance Driven"

Please note that under Florida's Public Records laws, most written communications to or from city and county staff or officials regarding public business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: zpk05@comcast.net
To: CMP_PLN_AMND
Subject: 2013 Comp Plan Public Comment Submission
Date: Sunday, April 07, 2013 7:58:17 PM

- **Amendment:** PCT130109 Text
- **First Name:** Zoe
- **Last Name:** Kulakowski
- **Street Address:** 1320 Blockford Ct W
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32317
- **Email Address:** zpk05@comcast.net
- **Comments:** This communication is in regard to the proposed Comprehensive Plan Text Amendment # PCT130109 As one of the individuals participating on the original August 2005 Citizens Focus Group directed to evaluate the steep slope regulations, I feel compelled to provide written comments as I will not be able to attend the meeting Tuesday evening. Comments were made by all of the participants, but I do not recall a subsequent meeting being held to discuss and resolve a consensus approach. (Initial comments indicate the committee was divided 3 to 3.) If we all recognize the value/need to protect steep slopes (lumping severe and significant slopes together), it makes no sense and is not defensible to regulate those within the City limits differently from those in the rest of Leon County. This would create a situation where adjacent properties have substantially different development requirements. I do agree that Urban Services Area (USA) development infill is desirable and needs to be encouraged to minimize urban sprawl, but dropping all slope regulation based on the moving City/Leon County boundary is extreme. The staff analysis states the intent to “deregulate steep slopes that are not within 100 feet of environmental features”, but the suggested code language lacks such intent and it is unclear how these areas would continue to be protected. At a minimum, slope regulation within the USA should still apply to the 100 foot buffer from environmental features and where lake Special Development Zones apply (Lake Jackson, Bradford Brook Chain-of-Lakes, Fred George Basin, Lake McBride, and Lake Lafayette) pursuant to Sec. 10-4.323. This slope change should not override the lake Special Development Zone requirements. The following minimum changes to the proposed Comp Plan language are recommended: (1) Policy 1.3.1:[C] e) Significant grade areas 10%-20% (only required within 100 feet of environmental features and lake Special Development Zones and outside of the Urban Services Area); (2) Conservation area development criteria e) Significant grade areas (10-20%): modify the first proposed sentence to say: However, in order to help direct development and growth to inside the Urban Service Area and further the protection of lands outside of the Urban Service Area, significant grade regulations are not required by the Comprehensive Plan within the Urban Service Area, excluding those properties regulated by a lake Special Development Zone or within 100 feet of environmental features. (3) Footnote (6): The Comprehensive Plan only regulates significant grades within 100 feet of environmental features and within lake Special Development Zones and outside of the Urban Service Area. (4) Preservation Areas Policy1.3.4, (b) Severe grades over 20% (only required within 100 feet of environmental features and within lake Special Development Zones and outside of the Urban Service Area); (5) Policy1.3.6:[C], Preservation

Areas, Severe Grades (only required within 100 feet of environmental features and within lake Special Development Zones and outside of the Urban Service Area).

building better communities

1000 FRIENDS of FLORIDA

April 16, 2013

Mr. Mark Yelland
Department of Economic Opportunity
Division of Community Development
107 East Madison Street, MSC-160
Tallahassee, FL 32399-4120

Re: Tallahassee-Leon County Transmittal, April 9, 2013, Amendment PCT130109 - Removes the Comprehensive Plan requirement for significant and severe grade regulations inside the Urban Service Area

Dear Mr. Yelland:

1000 Friends of Florida is a statewide nonprofit organization that promotes healthy urban and natural places by wise management of growth and change. We work to protect our high quality of life. We help citizens have the technical knowledge and access needed to ensure that public and private decisions lead to livable communities. Our organization, though statewide, is located in Tallahassee and therefore we take a special interest in the community development and natural resource projects and planning. In this regard we wish to make comments and a suggestion regarding a recent proposed comprehensive plan amendment that the Tallahasssee/Leon County Planning Department just transmitted.

The requested amendment removes the Comprehensive Plan requirement for significant and severe grade regulations inside the Urban Service Area. Requirements outside the Urban Service Area are unchanged. The amendment also provides authorization for(uses "may" rather than "shall"), but does not require, some level of grade regulation in the Land Development Code that is appropriate for fostering compact urban development inside the Urban Service Area. The goals of the amendment are to provide flexibility in the protection of steep grades, help direct development and growth to inside the Urban Service Area, and further the protection of lands outside of the Urban Service Area.

> **"Significant grade areas (10-20%)-** The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. However, in order to help direct development and growth to inside the Urban Service Area and further the protection of lands outside of the Urban Service Area, significant grade regulations are not required by the Comprehensive Plan within the Urban Service Area. Land development regulations may provide protection appropriate for more compact urban development inside the Urban Service Area for significant grades near wetlands, water bodies, watercourses, floodways, floodplain, and karst. ~~The density and intensity of the proposed land use and its resulting impervious or disturbed area should be suitable for the site. It is not the intent of this policy to regulate man made slopes.~~ Areas outside the Urban Service Area shall be regulated by this policy and ~~D~~development will be allowed at a density reflective of the density permitted by the

1000 Friends of Florida • P.O.Box 5948 • Tallahassee, FL 32314-5948 • phone 850.222.6277 • fax 850.222.1117 • www.1000friendsofflorida.org
Board of Directors • Victoria Tschinkel, *Chairman*, Tim Jackson, *Vice Chairman*, F. Gregory Barnhart, *Secretary*
Lester Abberger, Milissa Holland, Jim C. Nicholas, Steve Pfeiffer, Terry Turner, C. Allen Watts, Paul Zwick
Nathaniel P. Reed, *Chairman Emeritus*, John M. DeGrove, *President Emeritus*, Robert S. Davis, *Emeritus*, Earl Starnes, *Emeritus*
Charles G. Pattison, FAICP, *President*
Printed on recycled paper

existing land use category. Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category. It is not the intent of this policy to regulate man made slopes. Development outside the Urban Service Area will be permitted provided the following are done: …" (yellow highlight added)

Our Concerns

1000 Friends understands and supports the logic of streamlining and facilitating development within the Urban Service Area over lower density and sprawl development outside of this area.

Nonetheless, we note that the planning and development suitability limitation placed in the comprehensive plan regarding steep grades originally revolved around the need to protect for both water quality impacts from erosional effects of site development and loss of native biological communities (i.e., stripping off of native vegetation and reducing slope areas – particularly ravines, sloped lake edges and hillsides – reduces/degrades a group of important community recognized resources). The natural vegetative communities in these areas provide soil stability as well as supporting specialized natural niches for native plant communities both inside the USA and out (and at time link between). The results of the proposed amendment will be disturbance of these areas and a corresponding increase in stormwater quality problems of sediments and runoff to waters within or proximate to the USA. 1000 Friends argues that these steep slope features in the Tallahassee region are resources of State significance, properly recognized by the Comprehensive Plan.

In addition, we would like to note that the staff analysis and consideration of "community character" regarding significant and severe grade protection and management within the USA centered on a general discussion of aesthetics – protection of rolling hilltop and such. Our recollection of the issue regarding including significant and severe grade protection in the comprehensive plan dealt more with the fact that the Tallahassee area is particularly know and appreciated for its ravines, sloped lake edges and hillsides – each of which offer interesting localized micro-habitats and adapted vegetative communities. The important community characteristics being altered/affected by the proposed change are ravines, sloped lake edges and hillsides within the USA. In Florida, these are relatively unique community aspects and part of Tallahassee's desired character. That character can best be protected by inclusion of appropriate policies in the comprehensive plan which provides citizens with the ability to monitor and influence changes to these features. Removing these protections from the comprehensive plan and transferring them to a separate land development code that can easily be changed or conditionally implemented by staff is not the kind of transparency and accountability these resources require.

Recommendations

We suggest the intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation, as the policy says. Being inside, or out, of the USA in these situations doesn't alter the topographic, natural feature or community character suitability limitations. We also agree that encouraging

more intense/dense development within the USA make sense and at time this may involve impacts to significant and severe grades. We would recommend that the original policy be maintained in the plan and that any changes to the language guide implementing site plan review LDRs such that exceptions be considered where the impacts to ravines, sloped lake edges and hillsides are minimized or mitigated. Even within a more densely developed USA, these natural features ought to be carefully considered for conservation and retention as a part of the city-scape.

We hope these comments are useful and if you have any questions please contact me at (850) 222-6277 (ext. 103) or at cpattison@1000fof.org.

Sincerely,

Charles G. Pattison, FAICP
President, 1000 Friends of Florida

Cc: Leon County Commissioners
City of Tallahassee Commissioners
Mr. James Quinn, Florida Department of Environmental Protection, Office of Intergovernmental Programs

ATTACHMENT #5

COUNTY ADOPTION ORDINANCE

ORDINANCE NO. 13-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE 2030 TALLAHASSEE-LEON COUNTY COMPREHENSIVE PLAN; ADOPTING AMENDMENTS TO THE FUTURE LAND USE MAP, CONSERVATION ELEMENT, GLOSSARY, MOBILITY ELEMENT AND LAND USE ELEMENT, AND LAND USE ELEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A COPY TO BE ON FILE WITH THE TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapters 125 and 163, Florida Statutes, empowers the Board of County Commissioners of the County of Leon to prepare and enforce comprehensive plans for the development of the County; and

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

WHEREAS, Ordinance 90-30 was enacted on July 16, 1990, to adopt the Tallahassee-Leon County 2010 Comprehensive Plan for the unincorporated area of Leon County. The City of Tallahassee also adopted a plan for its municipal area by separate ordinance; and

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

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners of the County of Leon has held several public work sessions, public meetings,

and public hearings on proposed amendments to the comprehensive plan, with due public notice having been provided, to obtain public comment, and has considered all written and oral comments received during said work sessions, public meetings and public hearings; and

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

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

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

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

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

WHEREAS, in exercise of its authority, the Board of County Commissioners of the County of Leon has determined it necessary and desirable to adopt these amendments to the

comprehensive plan to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within Leon County, and to meet all requirements of law;

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

Section 1. Purpose and Intent.

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

Section 2. Map Amendment.

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

Map Amendment PCM130101, which relates to the Future Land Use Map.

Section 3. Map Amendment.

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

Map Amendment PCM130102, which relates to the Future Land Use Map.

Section 4. Map Amendment.

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

Map Amendment PCM130104, which relates to the Future Land Use Map.

Section 5. Map Amendment.

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

Map Amendment PCM130105, which relates to the Future Land Use Map.

Section 6. Map Amendment.

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

Map Amendment PCM130106, which relates to the Future Land Use Map.

Section 7. Map Amendment.

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

Map Amendment PCM130107, which relates to the Future Land Use Map.

Section 8. Map Amendment.

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

Map Amendment PCM130108, which relates to the Future Land Use Map.

Section 9. Text Amendment.

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

Text Amendment PCT130109, which relates to the Conservation Element.

Section 10. Text Amendment.

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

Text Amendment PCT130110, which relates to the Glossary.

Section 11. Text Amendment.

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

Text Amendment PCT130111, which relates to the Mobility Element and Land Use Element.

Section 12. Text Amendment.

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

Text Amendment PCT130112, which relates to the Land Use Element.

Section 13. Applicability and Effect.

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

Section 14. Conflict with Other Ordinances and Codes.

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

Section 15. Severability.

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

Section 16. Copy on File.

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

Section 17. Effective Date.

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

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 2013.

LEON COUNTY, FLORIDA

BY:_____
NICHOLAS MADDOX, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:
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

ATTACHMENT #6

COUNTY ADOPTION ORDINANCE
(Thornton Road Amendment Only)

ORDINANCE NO. 13-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE 2030 TALLAHASSEE-LEON COUNTY COMPREHENSIVE PLAN; ADOPTING AMENDMENTS TO THE LAND USE ELEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A COPY TO BE ON FILE WITH THE TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapters 125 and 163, Florida Statutes, empowers the Board of County Commissioners of the County of Leon to prepare and enforce comprehensive plans for the development of the County; and

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

WHEREAS, Ordinance 90-30 was enacted on July 16, 1990, to adopt the Tallahassee-Leon County 2010 Comprehensive Plan for the unincorporated area of Leon County. The City of Tallahassee also adopted a plan for its municipal area by separate ordinance; and

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

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners of the County of Leon has held several public work sessions, public meetings, and public hearings on proposed amendments to the comprehensive plan, with due public notice

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

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

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

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

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

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

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

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

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

Section 1. Purpose and Intent.

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

Section 2. Text Amendment.

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

Text Amendment PCT130113, which relates to the Land Use Element.

Section 3. Applicability and Effect.

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

Section 4. Conflict with Other Ordinances and Codes.

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

Section 5. Severability.

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

Section 6. Copy on File.

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

Section 7. Effective Date.

The effective date of this Plan amendment shall be according to law and the applicable statutes and regulations pertaining thereto, but in no event shall be effective prior to approval by the State of Florida, acting through the Governor and Cabinet, of the Thornton Road Land Exchange application.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 2013.

LEON COUNTY, FLORIDA

BY:_____
NICHOLAS MADDOX, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:
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

ATTACHMENT #7

CITY ADOPTION ORDINANCE

ORDINANCE NO. 13-O-17AA

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

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

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

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

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

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

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

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

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

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on May 28, 2013, the City Commission of the City of Tallahassee held a public hearing with due public notice having been provided on these amendments to the comprehensive plan; and,

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

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

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

Section 1. Purpose and Intent.

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

Section 2. Map Amendment.

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

Map Amendment PCM130101, which relates to the Future Land Use Map.

Section 3. Map Amendment.

The ordinance does hereby adopt the following portion of the text attached hereto as Exhibit "A," and made a part hereof, an amendment to the Tallahassee-Leon County 2030 Comprehensive Plan, as amended, and does hereby amend "The

Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance therewith, being an amendment to the following Plan element:

Map Amendment PCM130102, which relates to the Future Land Use Map.

Section 4. Map Amendment.

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

Map Amendment PCM130104, which relates to the Future Land Use Map.

Section 5. Map Amendment.

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

Map Amendment PCM130105, which relates to the Future Land Use Map.

Section 6. Map Amendment.

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

Text Amendment PCM130106, which relates to the Future Land Use Map.

Section 7. Map Amendment.

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

Text Amendment PCM130107, which relates to the Future Land Use Map.

Section 8. Map Amendment.

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

Text Amendment PCM130108, which relates to the Future Land Use Map.

Section 9. Text Amendment.

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

Text Amendment PCT130109, which relates to the Conservation Element.

Section 10. Text Amendment.

The ordinance does hereby adopt the following portion of the text attached hereto as Exhibit "A," and made a part hereof, as an amendment to the Tallahassee-Leon County 2030 Comprehensive Plan, as amended, and does hereby amend "The

Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance therewith, being an amendment to the following Plan element:

Text Amendment PCT130110, which relates to the Glossary.

Section 11. Text Amendment.

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

Text Amendment PCT130111, which relates to the Mobility Element and Land Use Element.

Section 12. Text Amendment.

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

Text Amendment PCT130112, which relates to the Land Use Element.

Section 13. Conflict With Other Ordinances and Codes.

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

Section 14 Severability.

If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all

remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 15. Copy on File.

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

Section 16. Effective Date.

The effective date of these Plan amendments shall be according to law and the applicable statutes and regulations pertaining thereto.

Ordinance 13-O-17 introduced in the City Commission on the 24th day of April, 2013. Ordinance 13-O-17AA re-introduced in the City Commission on the 22nd day of May, 2013.

PASSED by the City Commission on the ____ day of _____, 2013.

CITY OF TALLAHASSEE

By: _____
John R. Marks, III
Mayor

ATTEST:

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

APPROVED AS TO FORM

By: _____
Lewis E. Shelley
City Attorney

ATTACHMENT #8

CITY ADOPTION ORDINANCE
(Thornton Road Amendment Only)

ORDINANCE NO. 13-O-18

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING AN AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.
[THORNTON ROAD]

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

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

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

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

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

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

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

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

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on May 28, 2013, the City Commission of the City of Tallahassee held a public hearing with due public notice having been provided on this amendment to the comprehensive plan; and,

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

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

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

Section 1. Purpose and Intent.

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

Section 2. Text Amendment.

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

Text Amendment PCT130113, which relates to the Land Use Element.

Section 3. Conflict With Other Ordinances and Codes.

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

Section 4 Severability.

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

Section 5. Copy on File.

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

Section 6. Effective Date.

The effective date of this Plan amendment shall be according to law and the applicable statutes and regulations pertaining thereto, but in no event shall be effective prior to approval by the State of Florida, acting through the Governor and Cabinet, of the Thornton Road Land Exchange application.

INTRODUCED in the City Commission on the 22nd day of May, 2013.

PASSED by the City Commission on the ____ day of _____, 2013.

CITY OF TALLAHASSEE

By: _____
John R. Marks, III
Mayor

ATTEST:

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

APPROVED AS TO FORM

By: _____
Lewis E. Shelley
City Attorney

ATTACHMENT #9

City Rezoning Agenda Items

CITY OF TALLAHASSEE

CITY COMMISSION AGENDA ITEM

ACTION REQUESTED ON:	May 28, 2013
SUBJECT/TITLE:	First and Only Public Hearing on Ordinance No. 13-Z-10: Proposed Amendment to the Official Zoning Map from the High Intensity Urban Activity Center (AC) Zoning District to the Manufactured Home and Single-Family Detached (R-5) Zoning District.
TARGET ISSUE:	N/A

STATEMENT OF ISSUE

First and only Public Hearing on Ordinance No. 13-Z-10 (Attachment # 1); Proposed Amendment to the Official Zoning Map from the High Intensity Urban Activity Center (AC) Zoning District to the Manufactured Home and Single-Family Detached (R-5) Zoning District on a one acre parcel located north of Monday Road near Capital Circle Southeast. This rezoning implements Comprehensive Plan map amendment PCM130101, which is proposed for adoption on May 28, 2013.

RECOMMENDED ACTION

Option 1: Adopt Ordinance No. 13-Z-10 amending the Official Zoning Map from the High Intensity Urban Activity Center (AC) Zoning District to the Manufactured Home and Single-Family Detached (R-5) Zoning District.

FISCAL IMPACT

No fiscal impacts identified.

For information, please contact: Debra Thomas at (850) 891-6418.

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

The proposed Ordinance will rezone the subject parcel from the High Intensity Urban Activity Center (AC) Zoning District to the Manufactured Home and Single-Family Detached (R-5) Zoning District. The parcel (shown on Attachment #1) is the subject of an amendment (Map PCM130101) to the Comprehensive Plan during Cycle 2013-1. The City Commission and the Leon County Board of County Commissioners will vote on an ordinance adopting the amendment (Map PCM130101), as well as other Comprehensive Plan amendments, on May 28, 2013. The Comprehensive Plan amendment ordinance scheduled for public hearing during the May 28, 2013 joint City/County Comprehensive Plan Adoption Hearing is a companion ordinance to this rezoning, and adopts the proposed PCM130101 Comprehensive Plan map amendment. If these two Ordinances are adopted as scheduled, they will become effective on approximately July 8, 2013**.** This Ordinance was introduced at the May 8, 2013 City Commission meeting.

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

OPTIONS

1. Adopt Ordinance No. 13-Z-10 amending the Official Zoning Map from High Intensity Urban Activity Center (AC) Zoning District to the Manufactured Home and Single-Family Detached (R-5) Zoning District.

2. Do not adopt Ordinance No.13-Z-10 and retain the current High Intensity Urban Activity Center (AC) zoning designation.

ATTACHMENTS/REFERENCES

1. Ordinance No. 13-Z-10

ORDINANCE NO. 13-Z-10

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING AND INCLUDING ADDITIONAL TERRITORY AS AND IN THE R-5 MANUFACTURED HOME AND SINGLE-FAMILY DETACHED ZONING DISTRICT ON THE OFFICIAL ZONING MAP OF THE CITY OF TALLAHASSEE ADOPTED AND ESTABLISHED BY THE CITY COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: On May 28, 2013 the City Commission approved Ordinance No. 13-O-17, which adopted Comprehensive Amendment #PCM130101. To implement plan amendment #PCM130101 the property, which is the subject of that amendment, as shown in exhibit A attached hereto, must be rezoned.. Accordingly, the following described part or area of the City of Tallahassee and the same is hereby changed from High Intensity Urban Activity Center (AC) Zoning District and hereby designated and established as Manufactured Home and Single-Family Detached (R-5) Zoning District on the official zoning map of the City of Tallahassee adopted and established by the City Commission.

PRZ120020**:** From High Intensity Urban Activity Center (AC) Zoning District to the Manufactured Home and Single-Family Detached (R-5) Zoning District:

Those properties shown as High Intensity Urban Activity Center on the map attached hereto as Exhibit A.

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

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

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

SECTION 5. The effective date of this ordinance shall be the effective date of comprehensive plan amendment PCM130101.

INTRODUCED in the City Commission on the 8th day of May, 2013.

PASSED the City Commission on the _____th day of May, 2013.

CITY OF TALLAHASSEE, FLORIDA

_____
John Marks, Mayor

ATTEST:

_____
James O. Cooke, IV
City Treasurer Clerk

APPROVED AS TO FORM:

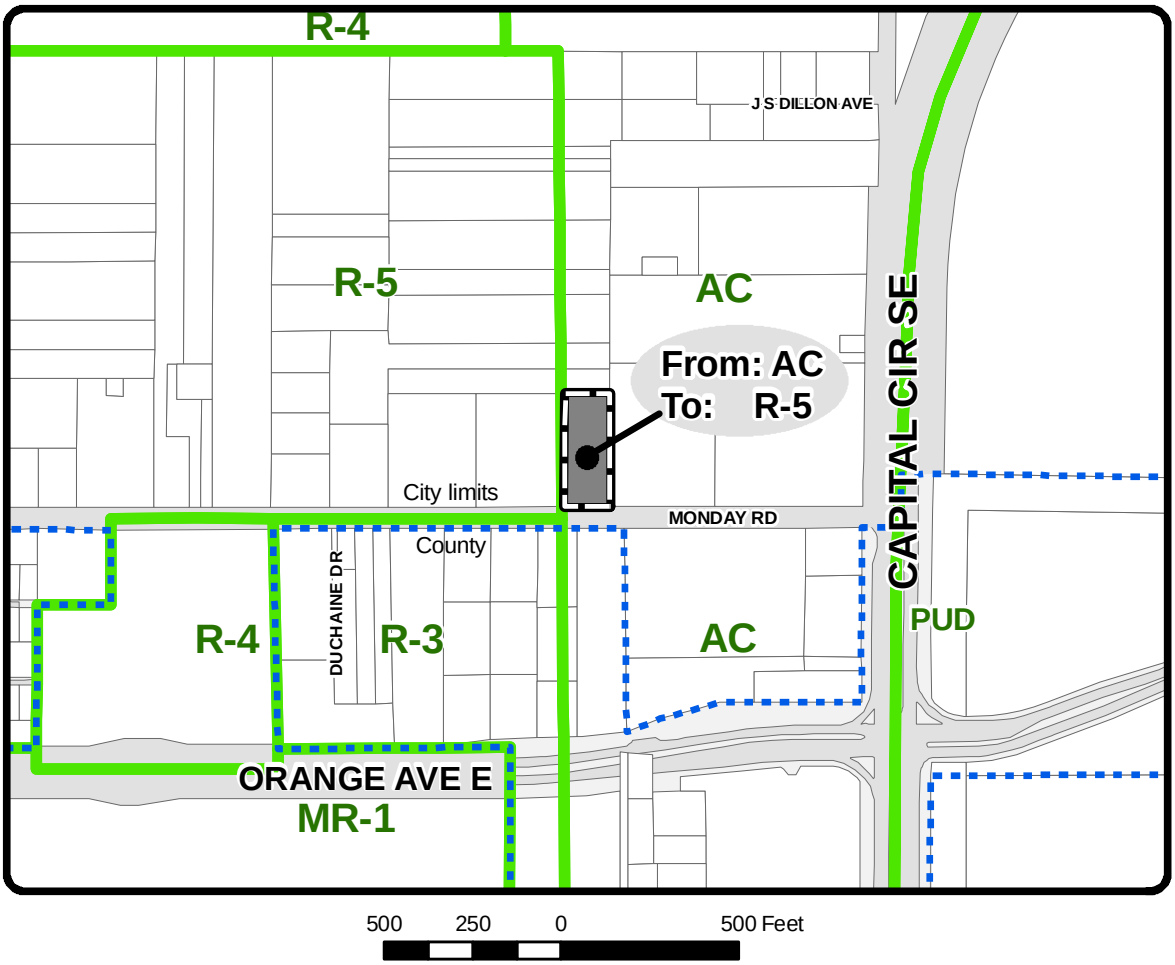
_____
Lewis E. Shelley, City Attorney

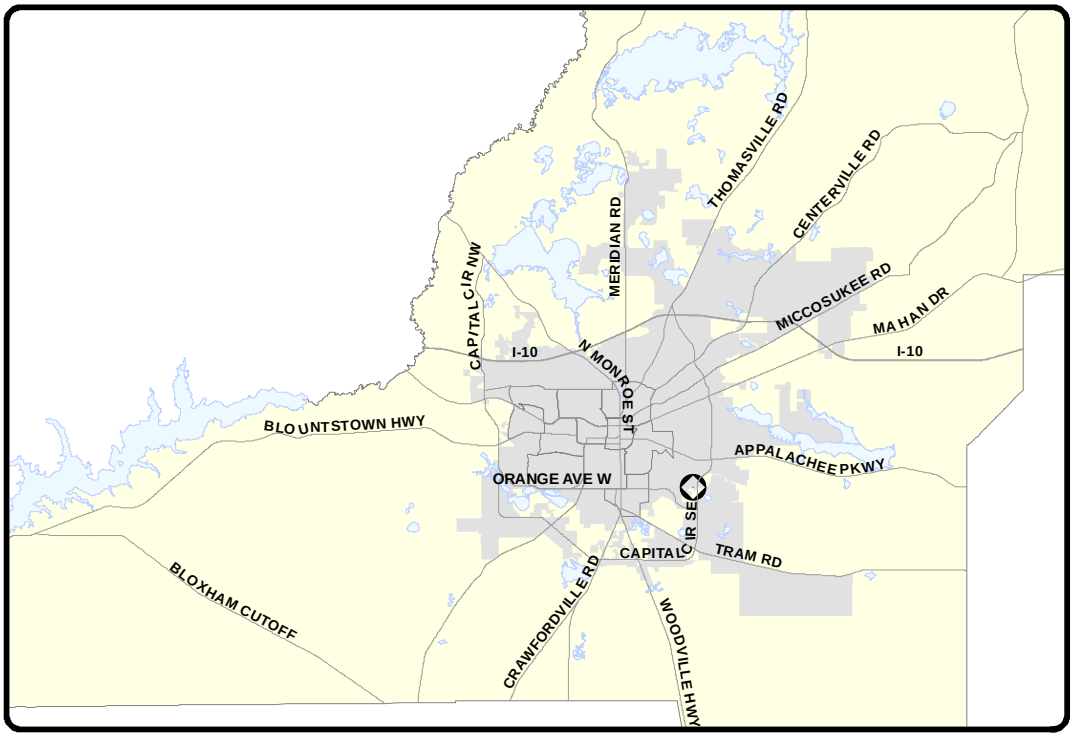
Exhibit A

PRZ120020

Monday Road near Capital Circle Southeast

REZONING





GENERAL LOCATION MAP

Date Printed: April 17, 2013

CITY OF TALLAHASSEE	
CITY COMMISSION AGENDA ITEM	
ACTION REQUESTED ON:	May 28, 2013
SUBJECT/TITLE:	First and Only Public hearing on Ordinance No. 13-Z-11: Proposed Amendment to the Official Zoning Map from the Residential Preservation-2 (RP-2) Zoning District to the Central Urban-18 (CU-18) Zoning District.
TARGET ISSUE:	N/A

STATEMENT OF ISSUE

First and only Public Hearing on Ordinance No. 13-Z-11 (Attachment # 1); Proposed Amendment to the Official Zoning Map from the Residential Preservation-2 (RP-2) Zoning District to the Central Urban-18 (CU-18) Zoning District on 1.15 acres located immediately north of West Brevard Street, between Dade Street and Dean Street.. This rezoning implements Comprehensive Plan map amendment PCM130102, which is proposed for adoption on May 28, 2013.

RECOMMENDED ACTION

Option 1: Adopt Ordinance No. 13-Z-11 amending the Official Zoning Map from the Residential Preservation -2 (RP-2) Districts to the Central Urban-18 (CU-18) District.

FISCAL IMPACT

No fiscal impacts identified.

For information, please contact: Debra Thomas at (850) 891-6418.

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

The proposed Ordinance will rezone the subject parcels from the Residential Preservation-2 (RP-2) Zoning District to the Central Urban-18 (CU-18) Zoning District. The parcels (shown on Attachment #1) are the subject of an amendment (Map PCM130102) to the Comprehensive Plan during Cycle 2013-1. The City Commission and the Leon County Board of County Commissioners will vote on an ordinance adopting the amendment (Map PCM130102), as well as other Comprehensive Plan amendments, on May 28, 2013. The Comprehensive Plan amendment ordinance scheduled for public hearing during the May 28, 2013 joint City/County Comprehensive Plan Adoption Hearing is a companion ordinance to this rezoning, and adopts the proposed PCM130102 Comprehensive Plan map amendment. If these two Ordinances are adopted as scheduled, they will become effective on approximately July 8, 2013**.** This Ordinance was introduced at the May 8, 2013 City Commission meeting.

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

OPTIONS

1. Adopt Ordinance No. 13-Z-11 amending the Official Zoning Map from the Residential Preservation -2 (RP-2) District to the Central Urban-18 (CU-18) District.

2. Do not Adopt Ordinance No.13-Z-11 and retain the current Residential Preservation-2 (RP-2) zoning designation.

ATTACHMENTS/REFERENCES

1. Ordinance No. 13-Z-11

ORDINANCE NO. 13-Z-11

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING AND INCLUDING ADDITIONAL TERRITORY AS AND IN THE CU-18 CENTRAL URBAN-18 ZONING DISTRICT ON THE OFFICIAL ZONING MAP OF THE CITY OF TALLAHASSEE ADOPTED AND ESTABLISHED BY THE CITY COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: On May 28, 2013 the City Commission approved Ordinance No.13-O-17, which adopted Comprehensive Amendment #PCM130102. To implement plan amendment #PCM130102 the property, which is the subject of that amendment, as shown in Exhibit A attached hereto, must be rezoned. Accordingly, the following described part or area of the City of Tallahassee and the same is hereby changed from Residential Preservation-2 (RP-2) Zoning District and hereby designated and established as Central Urban-18 (CU-18) Zoning District on the official zoning map of the City of Tallahassee adopted and established by the City Commission.

PRZ120017**:** From Residential Preservation-2 (RP-2) Zoning District to the Central Urban-18 (CU-18) Zoning District:

Those properties shown as Residential Preservation-2 on the map attached hereto as Exhibit A.

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

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

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

SECTION 5. The effective date of this ordinance shall be the effective date of comprehensive plan amendment PCM130102.

INTRODUCED in the City Commission on the 8th day of May, 2013.

PASSED the City Commission on the _____ day of May, 2013.

CITY OF TALLAHASSEE, FLORIDA

_____
John Marks, Mayor

ATTEST:

_____
James O. Cooke, IV
City Treasurer Clerk

APPROVED AS TO FORM:

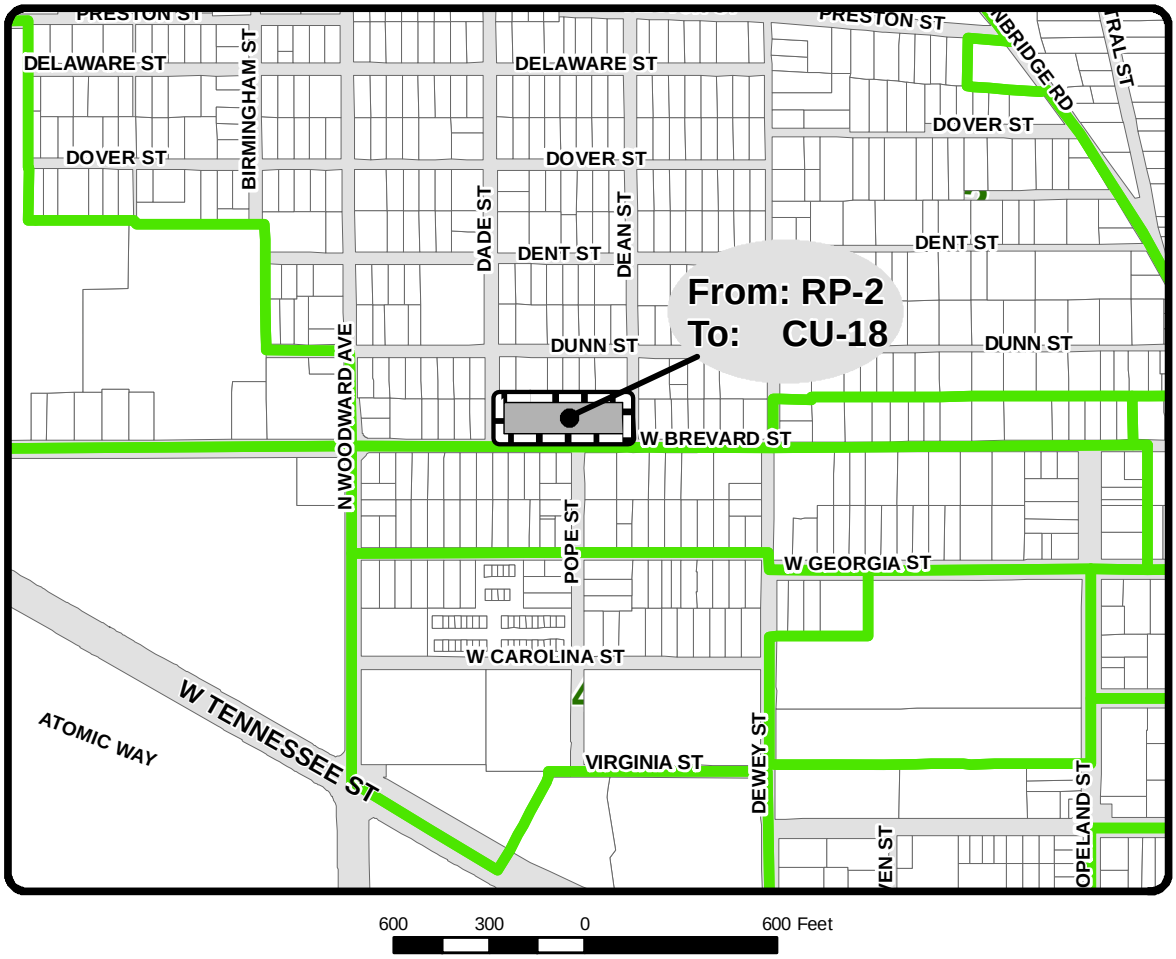
_____
Lewis E. Shelley, City Attorney

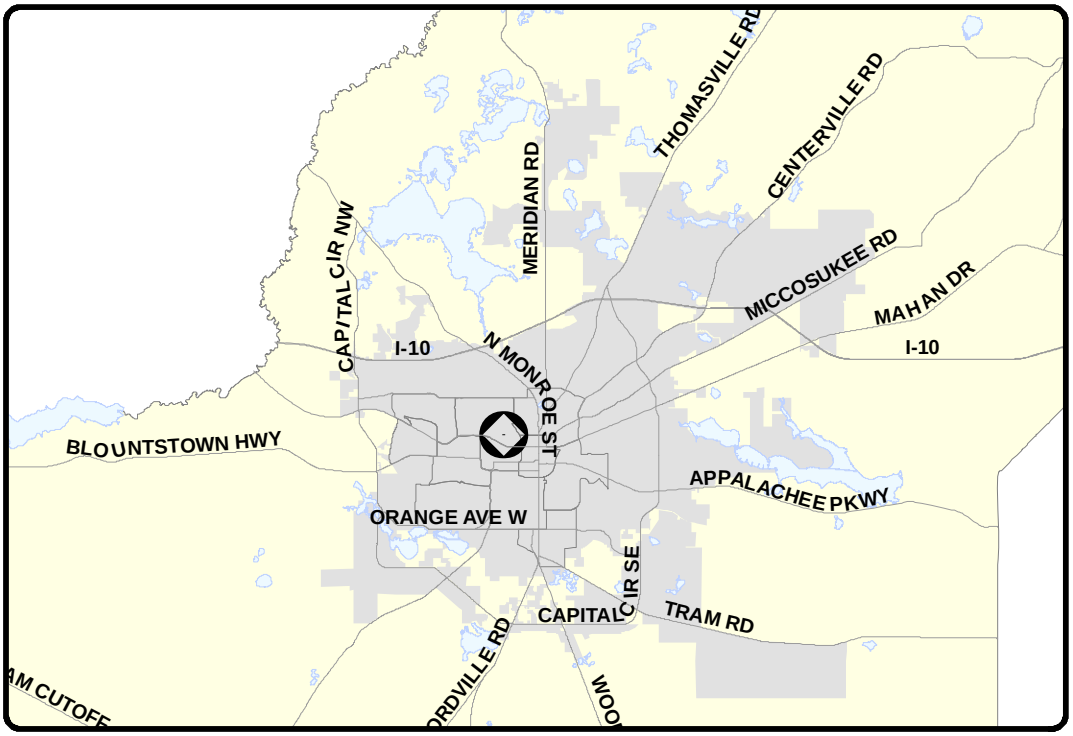
PRZ120017

Exhibit A

West Brevard Street

REZONING





GENERAL LOCATION MAP

Date Printed: April 17, 2013

CITY OF TALLAHASSEE	
CITY COMMISSION AGENDA ITEM	
ACTION REQUESTED ON:	May 28, 2013
SUBJECT/TITLE:	First and Only Public Hearing on Ordinance No. 13-Z-15AA: Proposed Amendment to the Official Zoning Map from the Lake Protection (LP) Zoning District to the Office Residential-3 (OR-3) Zoning District.
TARGET ISSUE:	N/A

STATEMENT OF ISSUE

First and only Public Hearing on Ordinance No. 13-Z-15AA (Attachment # 1); Proposed Amendment to the Official Zoning Map from the Lake Protection (LP) Zoning District to the Office Residential-3 (OR-3) Zoning District on 9.8 acres located on the north side of Timberlane Road and west of Martin Hurst Road. This rezoning implements Comprehensive Plan map amendment PCM130104, which is proposed for adoption on May 28, 2013.

RECOMMENDED ACTION

Option 1: Adopt Ordinance No. 13-Z-15AA amending the Official Zoning Map from the Lake Protection District to the Office Residential-3 District.

FISCAL IMPACT

No fiscal impacts identified.

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

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

The proposed Ordinance will rezone the subject parcels from the Lake Protection (LP) Zoning District to the Office Residential-3 (OR-3) Zoning District. The parcels (shown on Attachment #1) are the subject of an amendment (Map PCM130104) to the Comprehensive Plan during Cycle 2013-1. The City Commission and the Leon County Board of County Commissioners will vote on an ordinance adopting the amendment (Map PCM130104), as well as other Comprehensive Plan amendments, on May 28, 2013. The Comprehensive Plan amendment ordinance scheduled for public hearing during the May 28, 2013 joint City/County Comprehensive Plan Adoption Hearing is a companion ordinance to this rezoning, and adopts the proposed PCM130104 Comprehensive Plan map amendment. If these two Ordinances are adopted as scheduled, they will become effective on approximately July 8, 2013**.** This Ordinance was introduced at the May 22, 2013 City Commission meeting.

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

OPTIONS

1. Adopt Ordinance No. 13-Z-15AA amending the Official Zoning Map from the Lake Protection District to the Office Residential-2 District.

2. Do not Adopt Ordinance No. 13-Z-15AA and retain the current Lake Protection zoning designation.

ATTACHMENTS/REFERENCES

1. Ordinance No. 13-Z-15AA

ORDINANCE NO. 13-Z-15AA

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING AND INCLUDING ADDITIONAL TERRITORY AS AND IN THE OFFICE RESIDENTIAL- ~~2~~ 3ZONING DISTRICT ON THE OFFICIAL ZONING MAP OF THE CITY OF TALLAHASSEE ADOPTED AND ESTABLISHED BY THE CITY COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: On May 28, 2013 the City Commission approved Ordinance No. 13-O-17, which adopted Comprehensive Amendment #PCM130104. To implement plan amendment #PCM130104 the properties, which are the subject of that amendment, as shown in Exhibit A attached hereto, must be rezoned. Accordingly, the following described part or area of the City of Tallahassee and the same is hereby changed from the Lake Protection (LP) Zoning District and hereby designated and established as Office Residential-~~2 (OR-2)~~ 3 (OR-3) Zoning District on the official zoning map of the City of Tallahassee adopted and established by the City Commission.

PRZ120016**:** From the Lake Protection (LP) Zoning District to the Office Residential-~~2 (OR-2)~~ 3(OR 3) Zoning District:

Those properties shown as Lake Protection on the map attached hereto as Exhibit A.

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

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

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

SECTION 5. The effective date of this ordinance shall be the effective date of comprehensive plan amendment PCM130104.

INTRODUCED in the City Commission on the 22nd day of May, 2013.

PASSED the City Commission on the _____th day of May, 2013.

CITY OF TALLAHASSEE, FLORIDA

_____
John Marks, Mayor

ATTEST:

_____
James O. Cooke, IV
City Treasurer Clerk

APPROVED AS TO FORM:

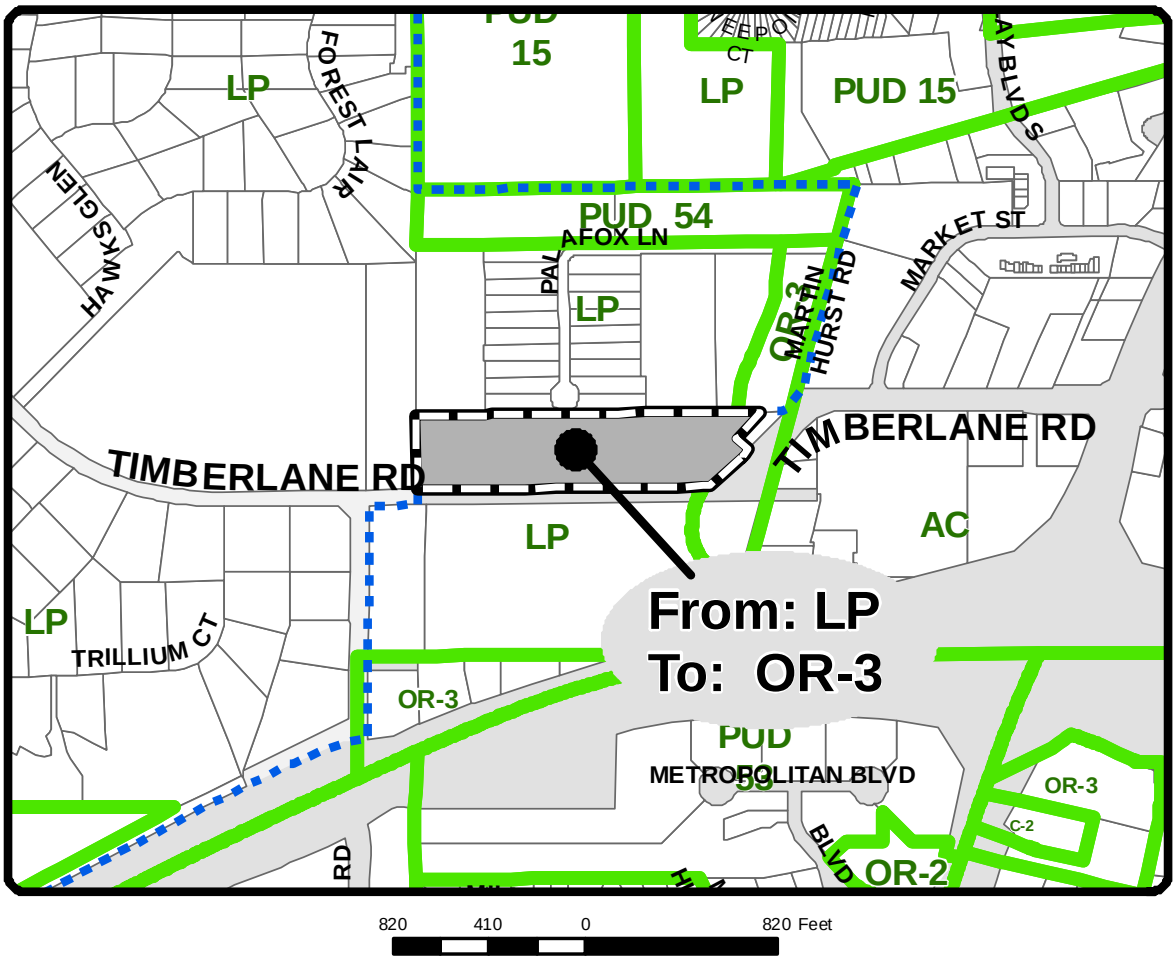
_____
Lewis E. Shelley, City Attorney

Exhibit A

PRZ120016

Timberlane Road near Market District

REZONING



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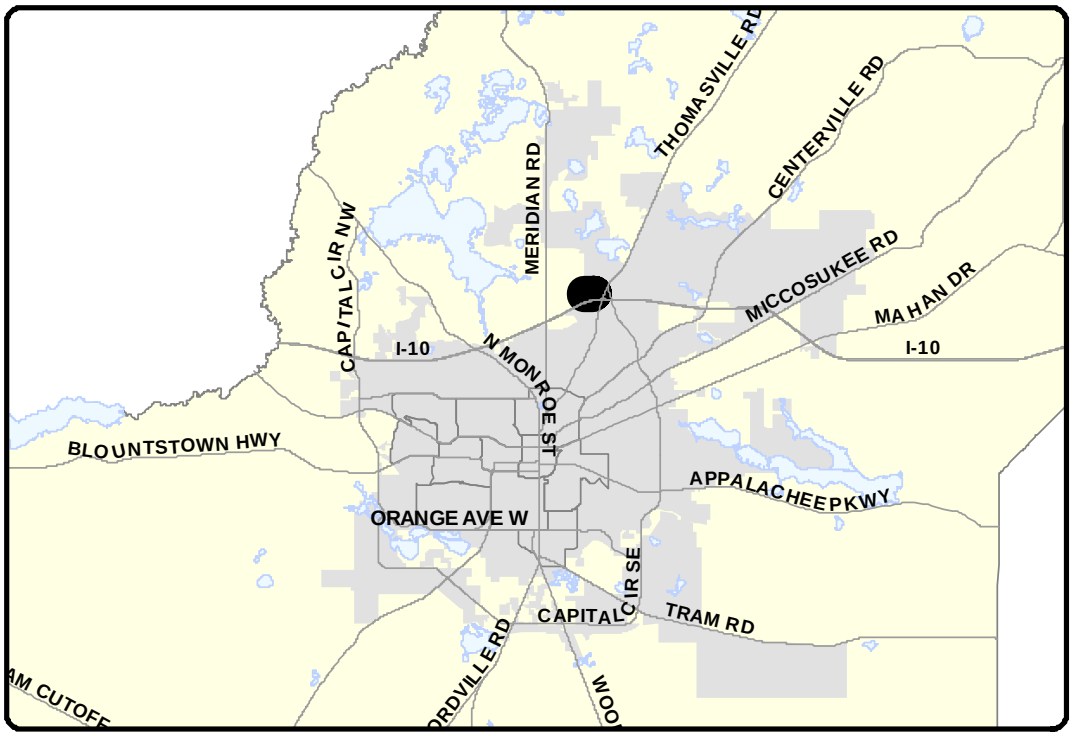


GENERAL LOCATION MAP

Date Printed: April 17, 2013

CITY OF TALLAHASSEE	
CITY COMMISSION AGENDA ITEM	
ACTION REQUESTED ON:	May 28, 2013
SUBJECT/TITLE:	First and Only Public Hearing on Ordinance No. 13-Z-12: Proposed Amendment to the Official Zoning Map from the Medium Density Residential-1 (MR-1) Zoning District to the University Transition (UT) Zoning District.
TARGET ISSUE:	N/A

STATEMENT OF ISSUE

First and only Public hearing on Ordinance No. 13-Z-12 (Attachment # 1); Proposed Amendment to the Official Zoning Map from the Medium Density Residential-1 (MR-1) Zoning District to the University Transition (UT) Zoning District on 16.42 acres located near the intersection of Jackson Bluff and Ausley Road. This rezoning implements Comprehensive Plan map amendment PCM130106, which is proposed for adoption on May 28, 2013.

RECOMMENDED ACTION

Option 1: Adopt Ordinance No. 13-Z-12 amending the Official Zoning Map from the Medium Density Residential-1 (MR-1) District to the University Transition (UT) District.

FISCAL IMPACT

No fiscal impacts identified.

For information, please contact: Debra Thomas at (850) 891-6418.

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

The proposed Ordinance will rezone the subject parcels from the Medium Density Residential (MR-1) Zoning District to the University Transition (UT) Zoning District. The parcels (shown on Attachment #1) are the subject of an amendment (Map PCM130106) to the Comprehensive Plan during Cycle 2013-1. The City Commission and the Leon County Board of County Commissioners will vote on an ordinance adopting the amendment (Map PCM130106), as well as other Comprehensive Plan amendments, on May 28, 2013. The Comprehensive Plan amendment ordinance scheduled for public hearing during the May 28, 2013 joint City/County Comprehensive Plan Adoption Hearing is a companion ordinance to this rezoning, and adopts the proposed PCM130106 Comprehensive Plan map amendment. If these two Ordinances are adopted as scheduled, they will become effective on approximately July 8, 2013**.** This Ordinance was introduced at the May 8, 2013 City Commission meeting.

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

OPTIONS

1. Adopt Ordinance No. 13-Z-12 amending the Official Zoning Map from the Medium Density Residential-1 (MR-1) District to the University Transition (UT) District.

2. Do not Adopt Ordinance No.13-Z-12 and retain the current Medium Density Residential-1 (MR-1) zoning designation.

ATTACHMENTS/REFERENCES

1. Ordinance No. 13-Z-12

ORDINANCE NO. 13-Z-12

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING AND INCLUDING ADDITIONAL TERRITORY AS AND IN THE UT UNIVERSITY TRANSITION ZONING DISTRICT ON THE OFFICIAL ZONING MAP OF THE CITY OF TALLAHASSEE ADOPTED AND ESTABLISHED BY THE CITY COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: On May 28, 2013 the City Commission approved Ordinance No.13-O-17, which adopted Comprehensive Amendment #PCM130106. To implement plan amendment #PCM1301006 the properties, which are the subject of that amendment, as shown in Exhibit A attached hereto, must be rezoned. Accordingly, the following described part or area of the City of Tallahassee and the same is hereby changed from the Medium Density Residential (MR-1) Zoning District and hereby designated and established as University Transition (UT) Zoning District on the official zoning map of the City of Tallahassee adopted and established by the City Commission.

PRZ120015: From Medium Density Residential (MR-1) Zoning District to the University Transition (UT) Zoning District:

Those properties shown as Medium Density Residential-1 on the map attached hereto as Exhibit A.

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

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

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

SECTION 5. The effective date of this ordinance shall be the effective date of comprehensive plan amendment PCM130106.

INTRODUCED in the City Commission on the 8th day of May, 2013.

PASSED the City Commission on the _____th day of May, 2013.

CITY OF TALLAHASSEE, FLORIDA

_____
John Marks, Mayor

ATTEST:

_____
James O. Cooke, IV
City Treasurer Clerk

APPROVED AS TO FORM:

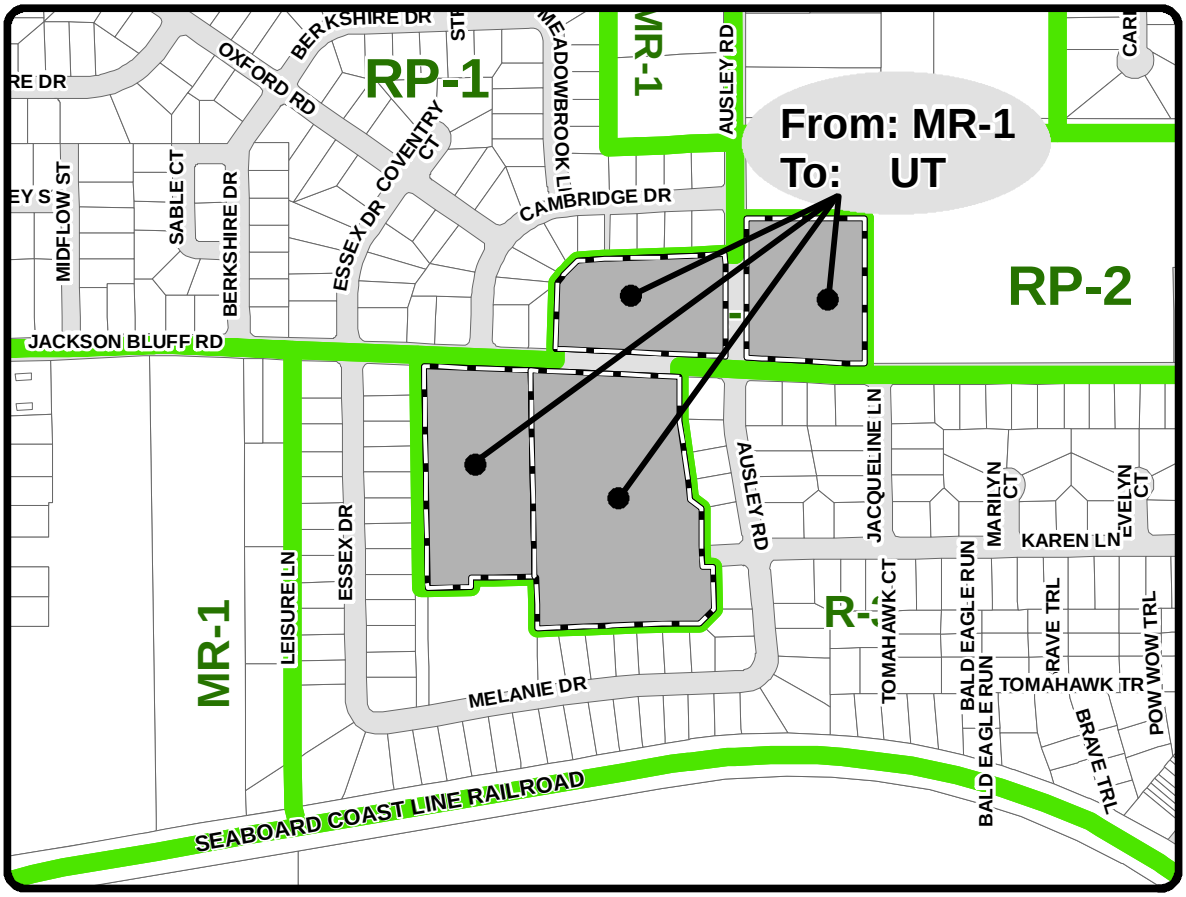
_____
Lewis E. Shelley, City Attorney

Exhibit A

PRZ120015

Jackson Bluff and Ausley Road

REZONING



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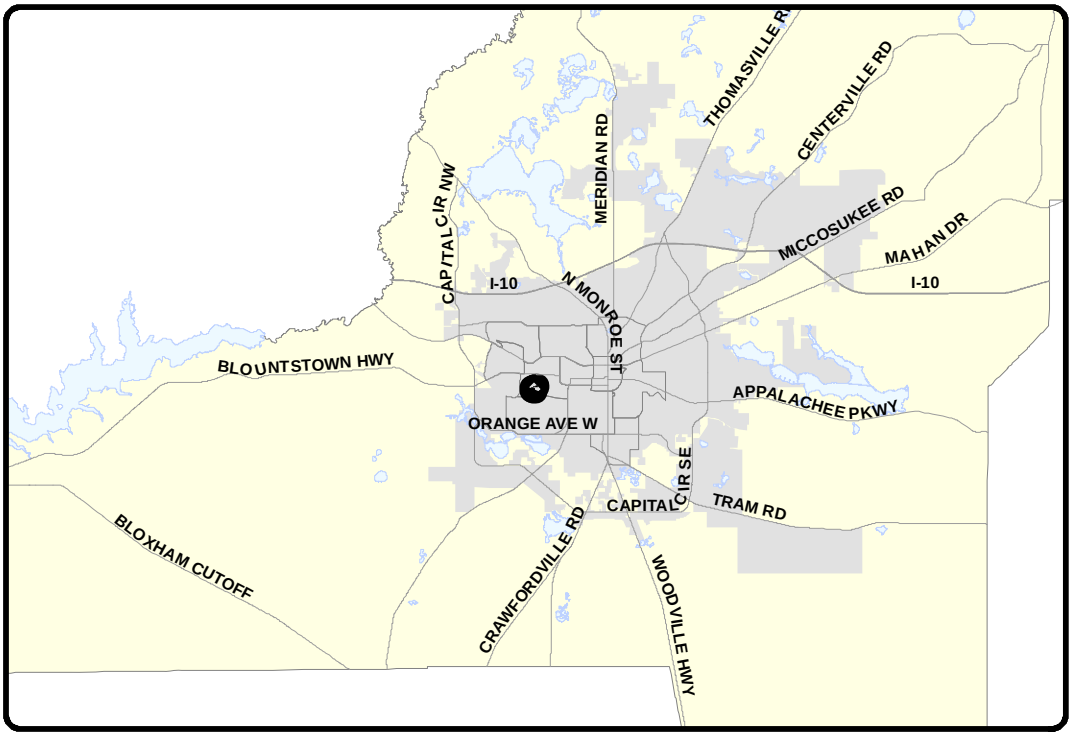


GENERAL LOCATION MAP

Date Printed: April 17, 2013

CITY OF TALLAHASSEE	
CITY COMMISSION AGENDA ITEM	
ACTION REQUESTED ON:	May 28, 2013
SUBJECT/TITLE:	First and Only Public Hearing on Ordinance No. 13-Z-13: Proposed Amendment to the Official Zoning Map from the Residential Preservation-2 (RP-2) Zoning District to the Neighborhood Boundary Office (NBO) Zoning District.
TARGET ISSUE:	N/A

STATEMENT OF ISSUE

First and only Public Hearing on Ordinance No. 13-Z-12 (Attachment # 1); Proposed Amendment to the Official Zoning Map from the Residential Preservation-2 (RP-2) Zoning District to the Neighborhood Boundary Office (NBO) Zoning District on two adjoining parcels and a portion of a third adjoining parcel (approximately 0.38 acres) all owned by Marshal Cassedy Jr. and located approximately 100' south of the intersection of 9th Avenue and Thomasville Road. This rezoning implements Comprehensive Plan map amendment PCM130107, which is proposed for adoption on May 28, 2013.

RECOMMENDED ACTION

Option 1: Adopt Ordinance No. 13-Z-13 amending the Official Zoning Map from the Residential Preservation-2 District to the Neighborhood Boundary Office District.

FISCAL IMPACT

No fiscal impacts identified.

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

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

The proposed Ordinance will rezone the subject parcels from the Residential Preservation-2 (RP-2) Zoning District to the Neighborhood Boundary Office (NBO) Zoning District. The parcels (shown on Attachment #1) are the subject of an amendment (Map PCM130107) to the Comprehensive Plan during Cycle 2013-1. The City Commission and the Leon County Board of County Commissioners will vote on an ordinance adopting the amendment (Map PCM130107), as well as other Comprehensive Plan amendments, on May 28, 2013. The Comprehensive Plan amendment ordinance scheduled for public hearing during the May 28, 2013 joint City/County Comprehensive Plan Adoption Hearing is a companion ordinance to this rezoning, and adopts the proposed PCM130107 Comprehensive Plan map amendment. If these two Ordinances are adopted as scheduled, they will become effective on approximately July 8, 2013**.** This Ordinance was introduced at the May 8, 2013 City Commission meeting.

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

OPTIONS

1. Adopt Ordinance No. 13-Z-13 amending the Official Zoning Map from the Residential Preservation-2 District to the Neighborhood Boundary Office District.

2. Do not Adopt Ordinance No.13-Z-13 and retain the current Residential Preservation-2 zoning.

ATTACHMENTS/REFERENCES

1. Ordinance No. 13-Z-13

ORDINANCE NO. 13-Z-13

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING AND INCLUDING ADDITIONAL TERRITORY AS AND IN THE NBO NEIGHBORHOOD BOUNDARY OFFICE ZONING DISTRICT ON THE OFFICIAL ZONING MAP OF THE CITY OF TALLAHASSEE ADOPTED AND ESTABLISHED BY THE CITY COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: On May 28, 2013 the City Commission approved Ordinance No. 13-O-17, which adopted Comprehensive Amendment #PCM130107. To implement plan amendment #PCM130107 the properties, which are the subject of that amendment, as shown in Exhibit A attached hereto, must be rezoned. Accordingly, the following described part or area of the City of Tallahassee and the same is hereby changed from the Residential Preservation -2(RP-2) Zoning District and hereby designated and established as Neighborhood Boundary Office (NBO) Zoning District on the official zoning map of the City of Tallahassee adopted and established by the City Commission.

PRZ120021**:** From Residential Preservation-2 (RP-2) to the Neighborhood Boundary Office (NBO) Zoning District:

Those properties shown as Residential Preservation-2 on the map attached hereto as Exhibit A.

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

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

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

SECTION 5. The effective date of this ordinance shall be the effective date of comprehensive plan amendment PCM130107.

INTRODUCED in the City Commission on the 8th day of May, 2013.

PASSED the City Commission on the _____th day of May, 2013.

CITY OF TALLAHASSEE, FLORIDA

_____
John Marks, Mayor

ATTEST:

_____
James O. Cooke, IV
City Treasurer Clerk

APPROVED AS TO FORM:

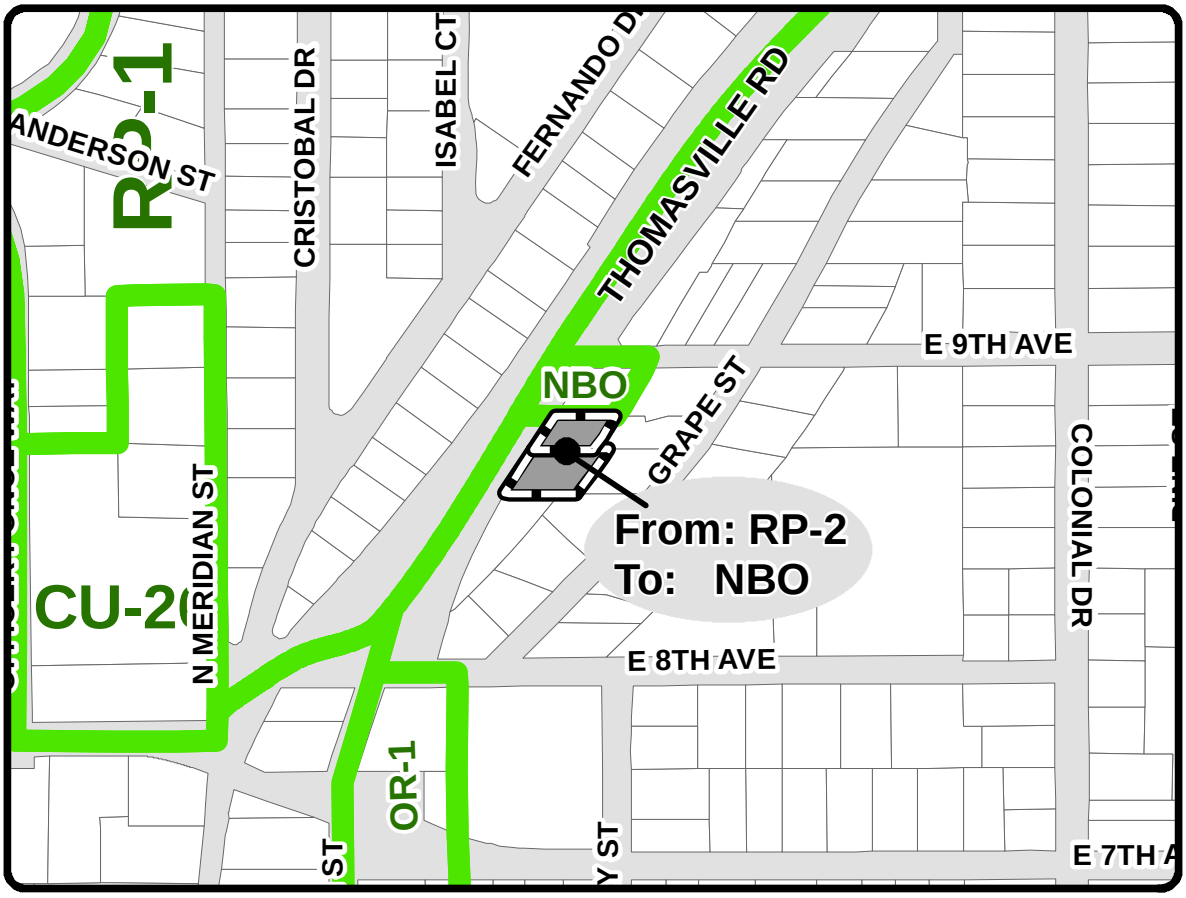
_____
Lewis E. Shelley, City Attorney

Exhibit A

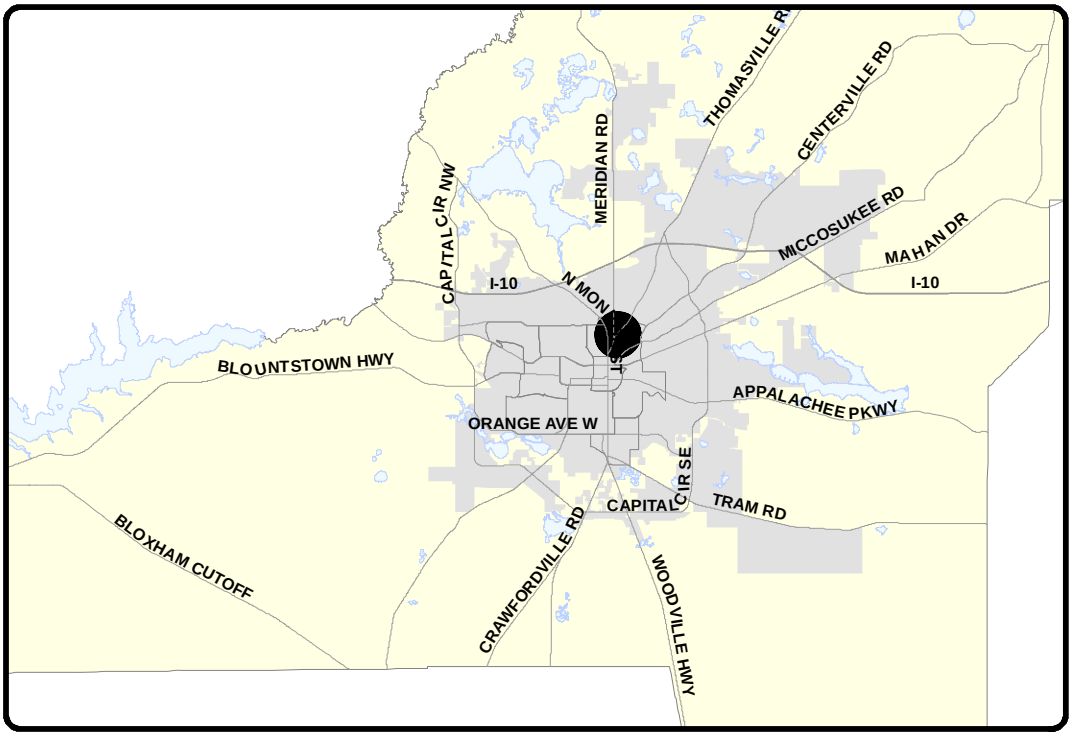
PRZ120021

9th Avenue and Thomasville Road

REZONING



320 160 0 320 Feet



GENERAL LOCATION MAP

Date Printed: April 17, 2013

CITY OF TALLAHASSEE	
CITY COMMISSION AGENDA ITEM	
ACTION REQUESTED ON:	May 28, 2013
SUBJECT/TITLE:	First and Only Public Hearing on Ordinance No. 13-Z-14: Proposed Amendment to the Official Zoning Map from the Residential Preservation-2 (RP-2) Zoning District to the Neighborhood Commercial (C-1) Zoning District.
TARGET ISSUE:	N/A

STATEMENT OF ISSUE

First and only Public Hearing on Ordinance No. 13-Z-14 (Attachment # 1); Proposed Amendment to the Official Zoning Map from the Residential Preservation-2 (RP-2) Zoning District to the Neighborhood Commercial (C-1) Zoning District on one-acre parcel located on the southwest corner of Fred George Road and Old Bainbridge Road. This rezoning implements Comprehensive Plan map amendment PCM130108, which is proposed for adoption on May 28, 2013.

RECOMMENDED ACTION

Option 1: Adopt Ordinance No. 13-Z-14 amending the Official Zoning Map from the Residential Preservation-2 District to the Neighborhood Commercial (C-1) District.

FISCAL IMPACT

No fiscal impacts identified.

For information, please contact: Susan Denny at (850) 891-6448.

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

The proposed Ordinance will rezone the subject parcel from the Residential Preservation-2 (RP-2) Zoning District to the Neighborhood Commercial (C-1) Zoning District. The parcel (shown on Attachment #1) is the subject of an amendment (Map PCM130108) to the Comprehensive Plan during Cycle 2013-1. The City Commission and the Leon County Board of County Commissioners will vote on an ordinance adopting the amendment (Map PCM130108), as well as other Comprehensive Plan amendments, on May 28, 2013. The Comprehensive Plan amendment ordinance scheduled for public hearing during the May 28, 2013 joint City/County Comprehensive Plan Adoption Hearing is a companion ordinance to this rezoning, and adopts the proposed PCM130108 Comprehensive Plan map amendment. If these two Ordinances are adopted as scheduled, they will become effective on approximately July 8, 2013**.**

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

OPTIONS

1. Adopt Ordinance No. 13-Z-14 amending the Official Zoning Map from the Residential Preservation-2 District to the Neighborhood Commercial (C-1) District

2. Do not adopt Ordinance No. 13-Z-14 and retain the current Residential Preservation-2 zoning designation.

ATTACHMENTS/REFERENCES

1. Ordinance No. 13-Z-14

ORDINANCE NO. 13-Z-14

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING AND INCLUDING ADDITIONAL TERRITORY AS AND IN THE C-1 NEIGHBORHOOD COMMERCIAL ZONING DISTRICT ON THE OFFICIAL ZONING MAP OF THE CITY OF TALLAHASSEE ADOPTED AND ESTABLISHED BY THE CITY COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: On May 28, 2013 the City Commission approved Ordinance No. 13-O-17, which adopted Comprehensive Amendment #PCM130108. To implement plan amendment #PCM130108 the property, which is the subject of that amendment, as shown in Exhibit A attached hereto, must be rezoned. Accordingly, the following described part or area of the City of Tallahassee and the same is hereby changed from the Residential Preservation -2 (RP-2) Zoning District and hereby designated and established as C-1 Neighborhood Commercial Zoning District on the official zoning map of the City of Tallahassee adopted and established by the City Commission.

PRZ130008**:** From Residential Preservation-2 (RP-2) Zoning District to the C-1 Neighborhood Commercial Zoning District:

Those properties shown as Residential Preservation-2 on the map attached hereto as Exhibit A.

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

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

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

SECTION 5. The effective date of this ordinance shall be the effective date of comprehensive plan amendment PCM130108.

INTRODUCED in the City Commission on the 8th day of May, 2013.

PASSED the City Commission on the _____ day of May, 2013.

CITY OF TALLAHASSEE, FLORIDA

_____
John Marks, Mayor

ATTEST:

_____
James O. Cooke, IV
City Treasurer Clerk

APPROVED AS TO FORM:

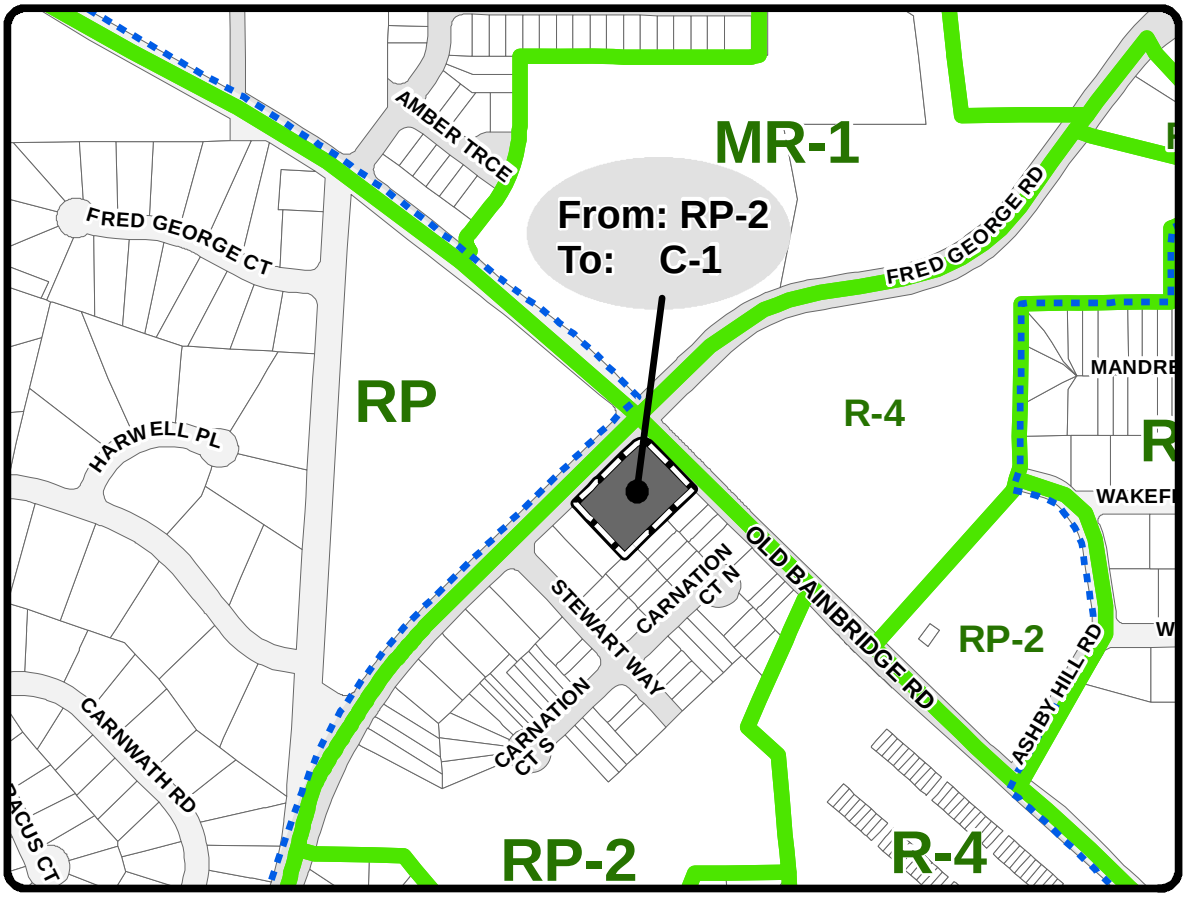
_____
Lewis E. Shelley, City Attorney

Exhibit A

PRZ130008

Fred George and Old Bainbridge

REZONING



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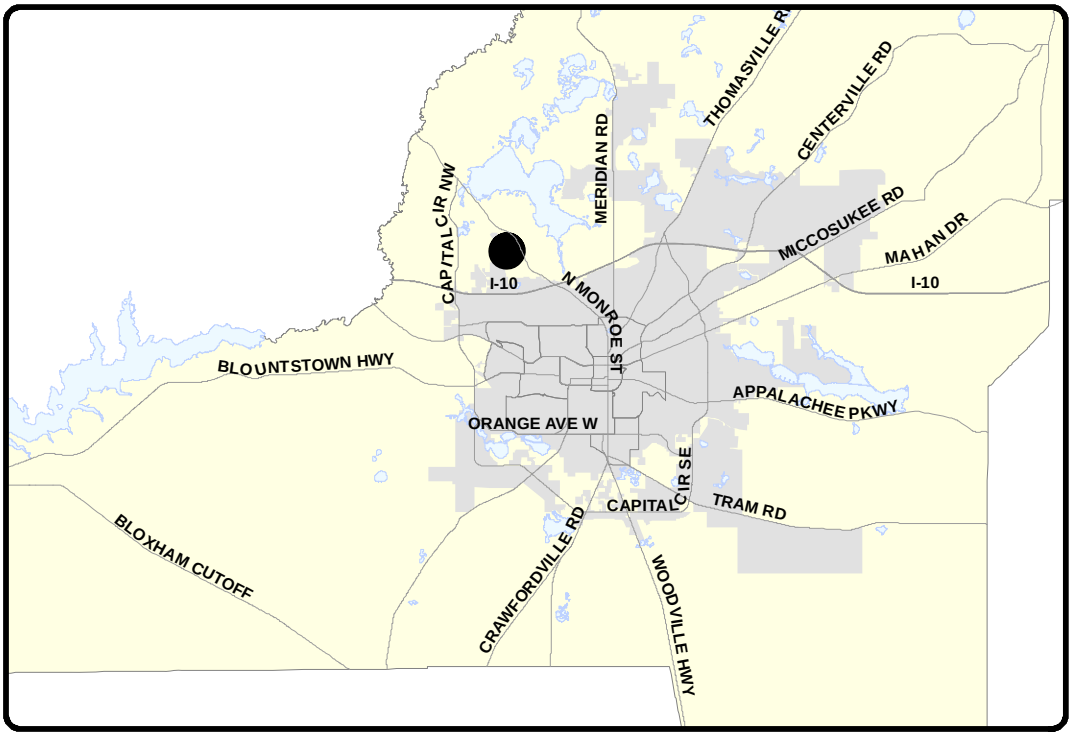
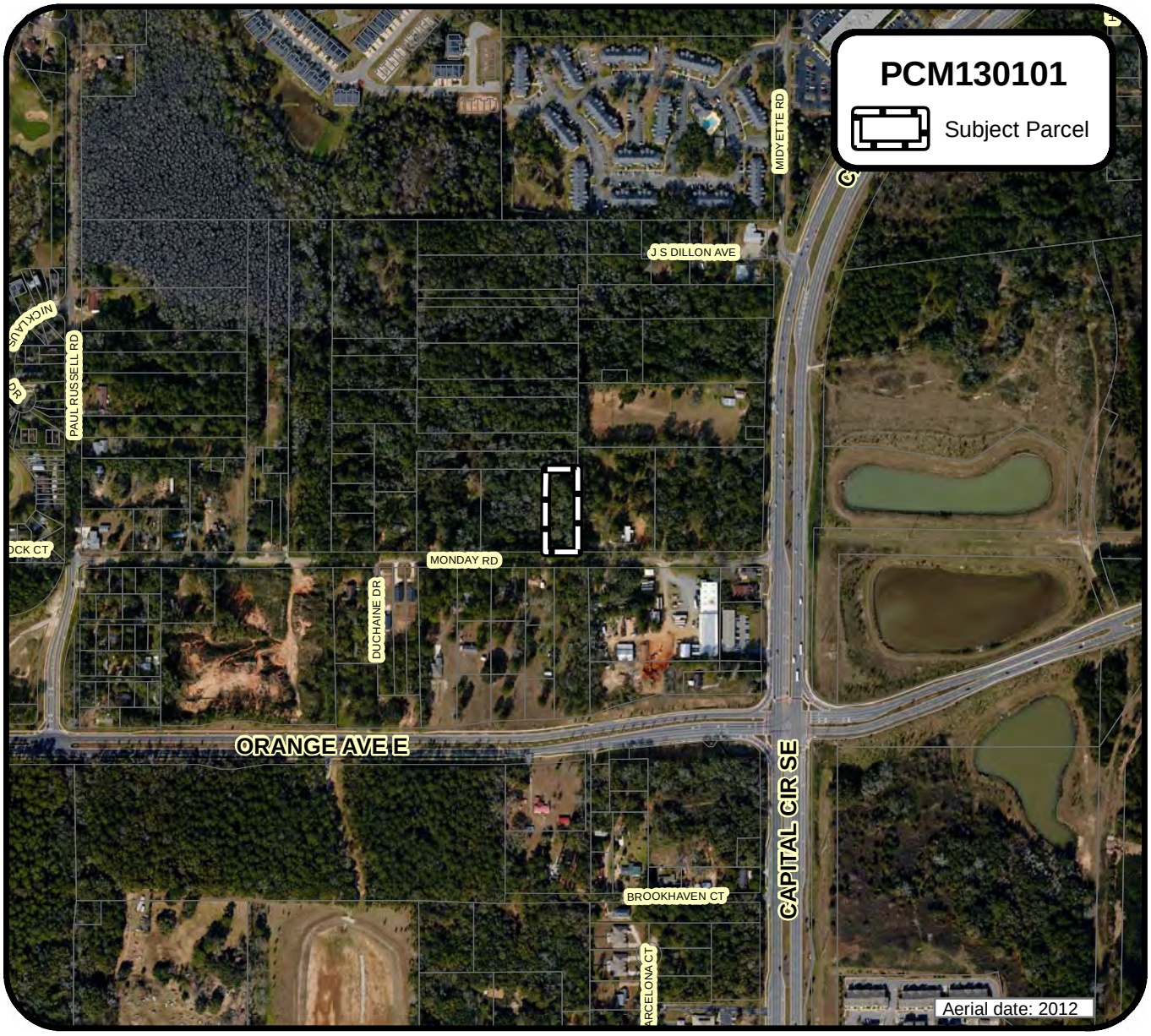


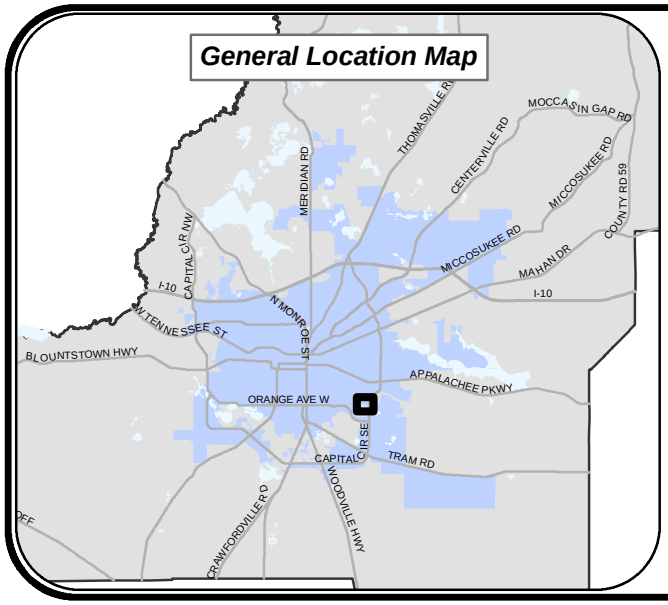
GENERAL LOCATION MAP

Date Printed: April 17, 2013

ATTACHMENT #10

Staff Report PCM130101





Monday Road near Capital Circle Southeast PCM130101

City Of Tallahassee

SITE TAX ID:
31-09-20-261-0000

ACRES: 1 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

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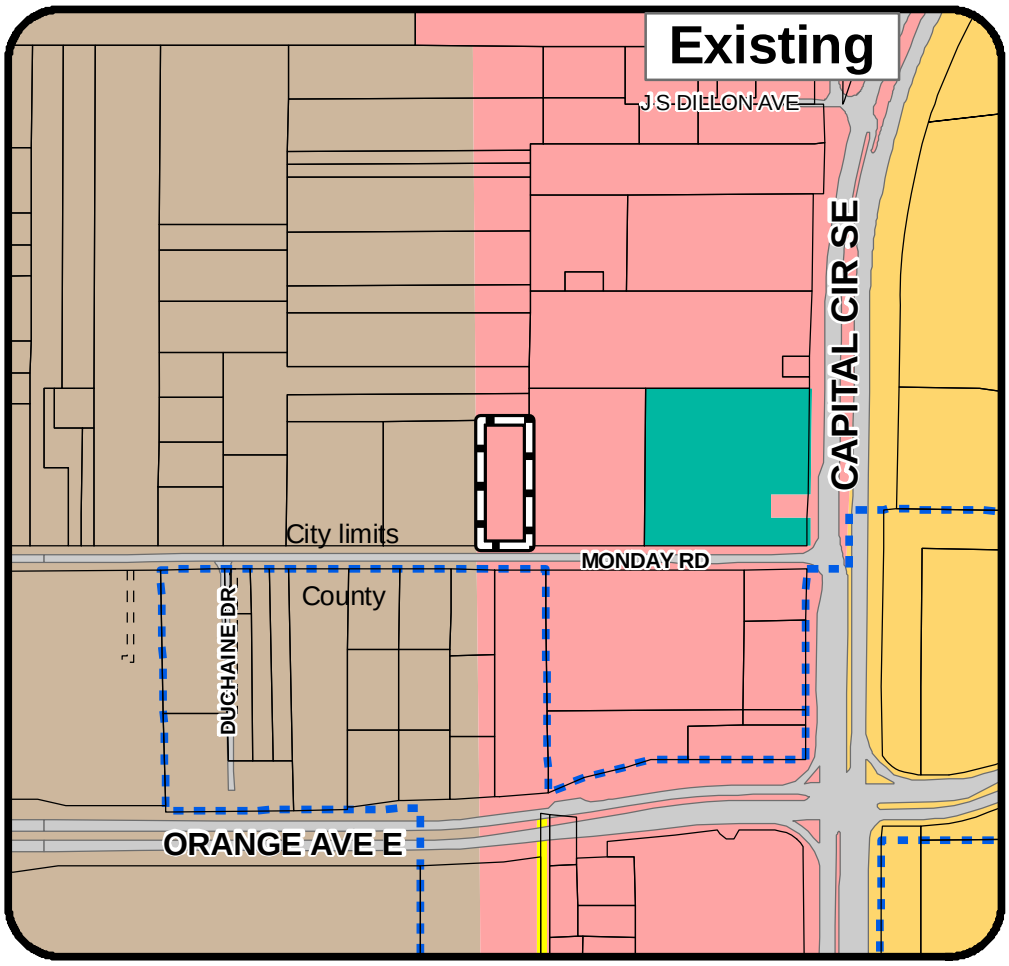
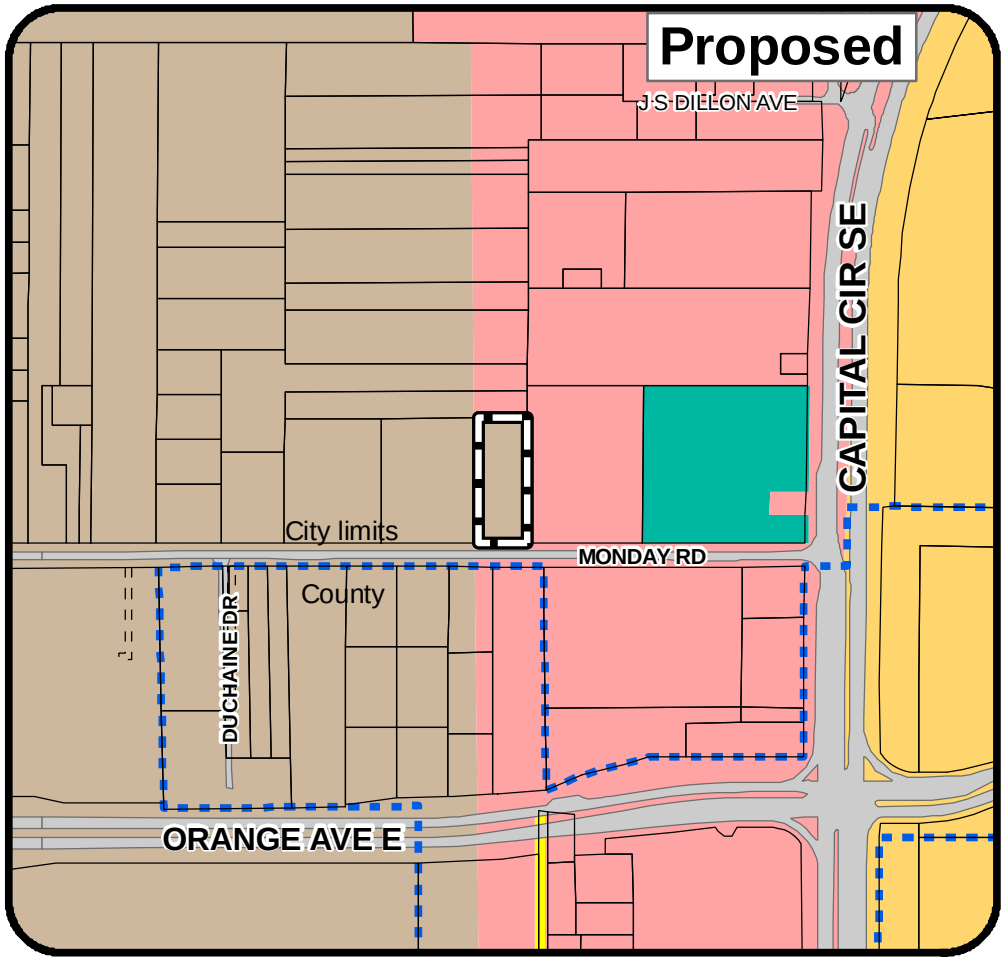




Future Land Use

Legend

- Activity Center
- Governmental Operation
- Open Space
- Planned Development
- Urban Residential 2

- Subject Parcel
- City Limits

Monday Road near Capital Circle Southeast
PCM130101

City Of Tallahassee

Existing

Activity Center

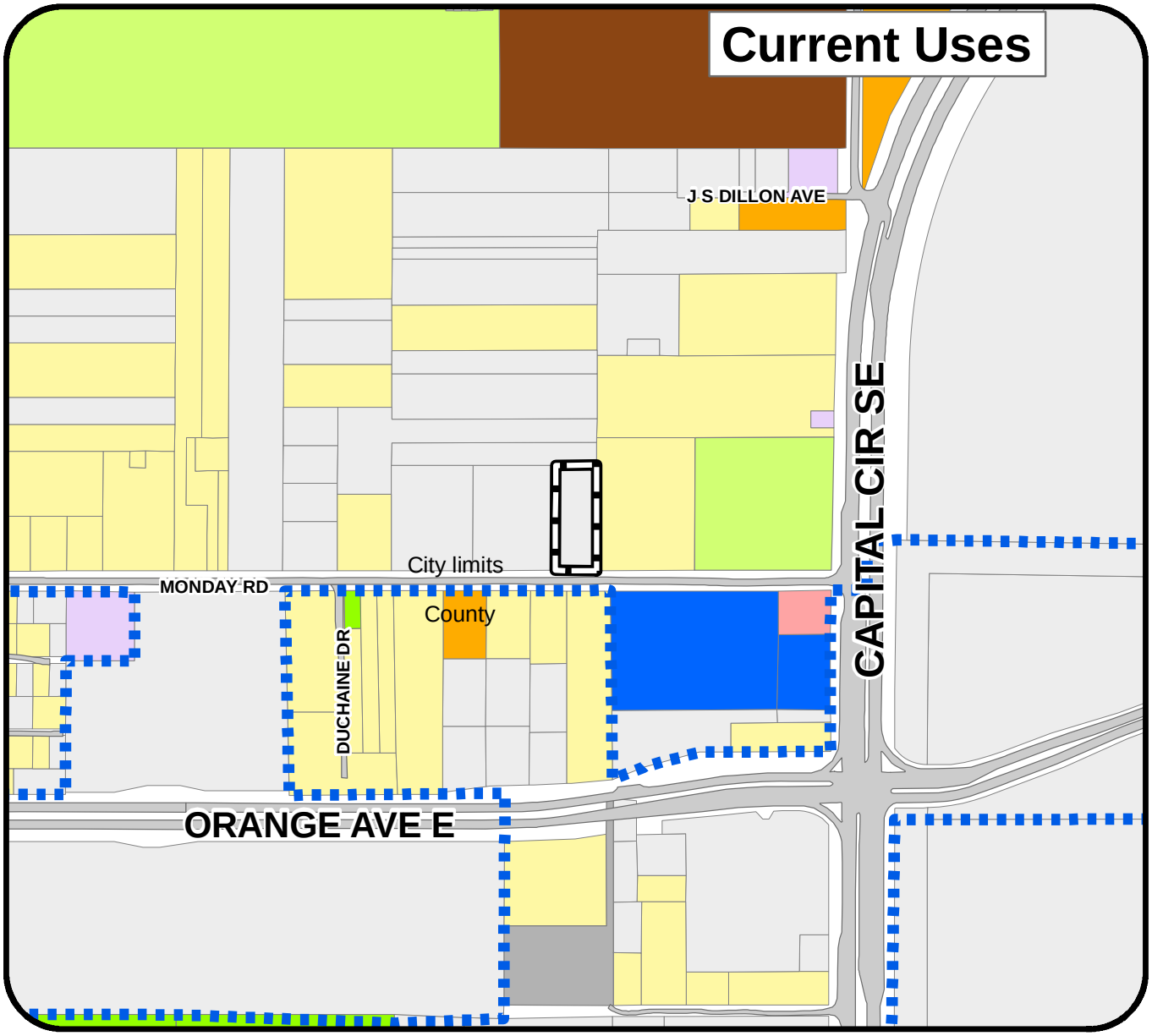
Proposed

Urban Residential-2

SITE TAX ID:
31-09-20-261-0000

ACRES: 1 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT



Legend

City Limits

Subject Parcel

Current Uses (Oct. 2012)

- Single Family Detached/Mobile Home
- Multi-Family
- Motel/Hospital/Clinic
- Office
- Warehouse
- Open Space Common Areas
- Open Space Resource Protection
- Religious/Non-profit
- Transportation/Communications/Utilities
- Vacant

Monday Road near Capital Circle Southeast
PCM130101

City Of Tallahassee

SITE TAX ID:
31-09-20-261-0000

ACRES: 1 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT and COMMUNITY ENHANCEMENT

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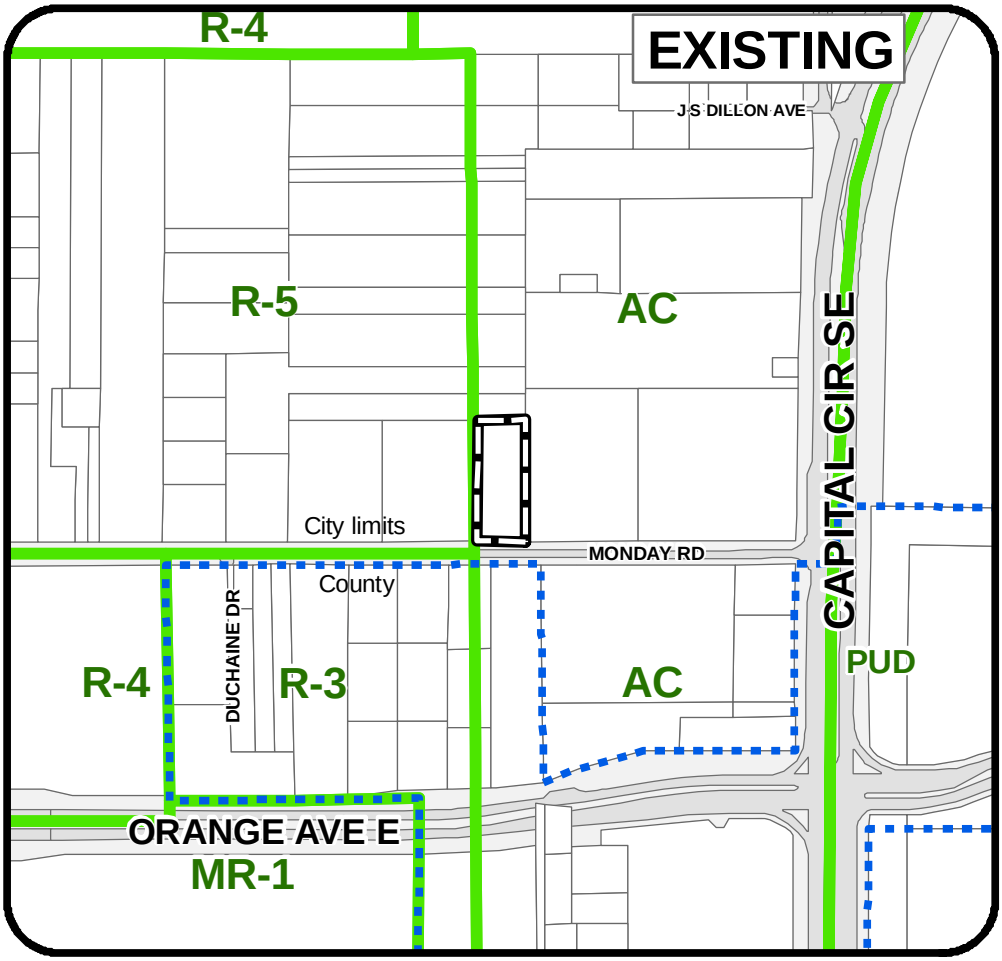
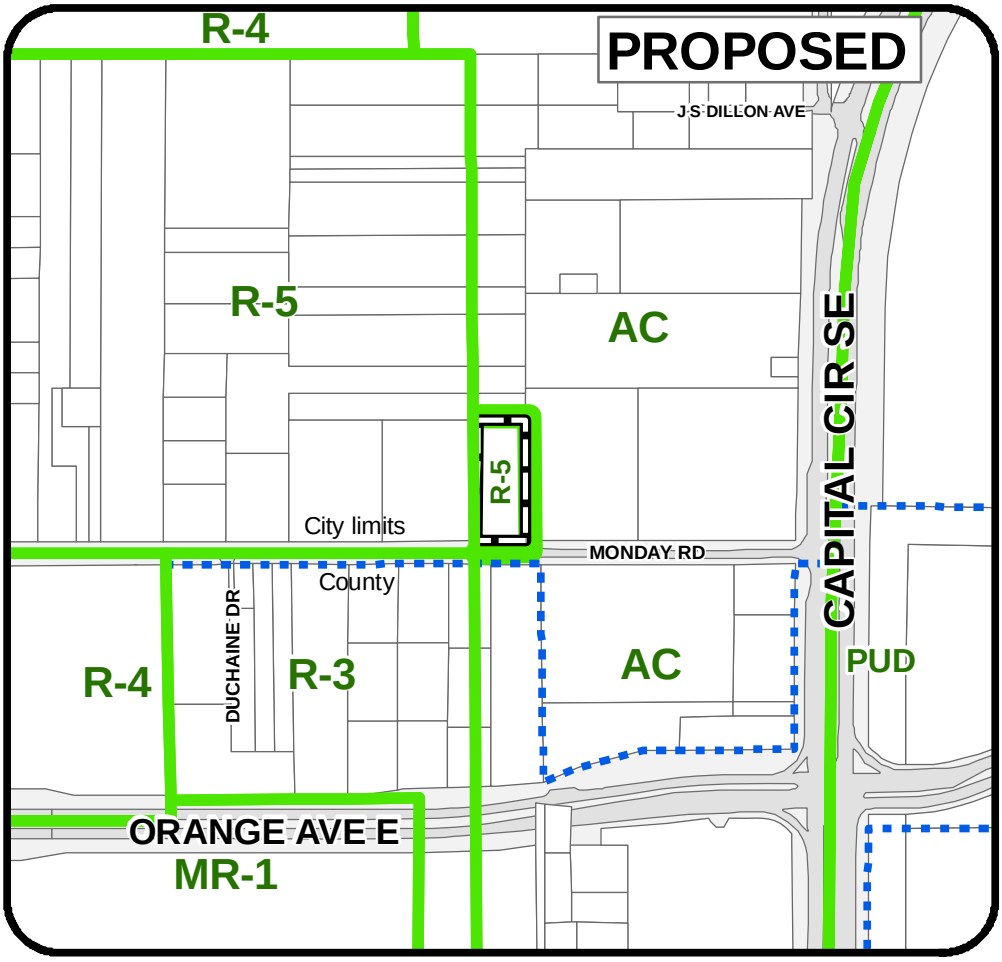




ZONING

Legend

Subject Parcel

zoning

City Limits

Monday Road near Capital Circle Southeast
PCM130101

City Of Tallahassee

Existing

Activity Center

Proposed

R-5 (Manufactured Home and Single Family Detached Residential)

N W E S

SITE TAX ID:
31-09-20-261-0000

ACRES: 1 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT, AND COMMUNITY ENHANCEMENT

MAP AMENDMENT #: PCM130101

APPLICANT: City of Tallahassee Growth Management Department

TAX I.D. # s: 31-09-20-261-0000 (±1 acre)

CITY __X__ COUNTY __

CURRENT DESIGNATION: High Intensity Urban Activity Center (AC)

REQUESTED DESIGNATION: Urban Residential-2 (UR-2)

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM130101

A. SUMMARY:

This is a request to change the Future Land Use Map from High Intensity Urban Activity Center to Urban Residential -2 for a one acre parcel located north of Monday Road near Capital Circle Southeast. The existing High Intensity Urban Activity Center allows for large scale commercial activities and residential development up to 45 units per acre. The proposed Urban Residential -2 category allows residential uses up to 20 units per acre. City staff initiated this amendment following issuance of a Land Use Compliance Certificate to construct two single-family residences on the parcel. The amendment allows the owner of the parcel to move forward with the subdivision and construction of the homes as represented in the Land Use Compliance Certificate. An application for rezoning to R-5, which allows single-family housing, has been filed concurrent with this map amendment request.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed Urban Residential -2 land use category is consistent with the predominant development pattern in the vicinity of the subject site. The subject site and the surrounding area are developed with low density residential development.

2. The proposed change would correct an error made during the Land Use Compliance Certificate Process, and would allow the subject parcel to be subdivided into two residential lots with two single-family homes which is compatible with the surrounding land uses.

3. The proposed amendment is not anticipated to have adverse effects on public facilities.

C. APPLICANT'S REASON FOR THE AMENDMENT:

The application gives the following basis for the proposed change:

> *The property owner wishes to subdivide the property into lots for development with two single family detached dwellings units. The AC zoning district does not allow single family residential development as permitted use. The AC zoning district would allow multi-family development at a maximum allowable density of 45 units per acre. The R-5 zoning district allows a maximum of 8 units per acre. The City of Tallahassee is representing the applicant in these requests because it is a downzoning. The property immediately adjacent to this site is zoned R-5 with a Future Land use designation of UR-2. This change is desired by the City in order to continue compatibility with surrounding land uses which are residential in nature. Given the trend in the area, it is doubtful that AC uses would be compatible in this area.*

D. STAFF ANALYSIS:

In February and March of 2012, Land Use Compliance Certificates (LUC) were issued for the subject parcel. The Certificates noted that the subject parcel was eligible for subdivision into two residential lots and authorized a limited partition to split the one lot into two lots. After the issuance of the certificates staff realized that an error had occurred and that the parcel was ineligible for the limited partition because of its zoning as Activity Center (AC).

The proposed amendment has been initiated by Growth Management staff so the owner of the subject parcel can legally subdivide the property into two lots and construct two single family residences. The subject parcel is located immediately north of Monday Road and is currently designated High Intensity Urban Activity Center (AC) on the Future Land Use Map (FLUM). The existing High Intensity Urban Activity Center category allows for large scale commercial activities and medium-high density residential development up to 45 units per acre. However, under the implementing AC zoning district, single–family residential housing is not a permitted use. In order to correct the error made through the Land Use Compliance Certificate Process, staff is requesting that the parcels FLUM designation be changed to Urban Residential -2 (UR-2), with implementing zoning of Residential -5 (R-5). The proposed Urban Residential -2 category allows residential uses up to 20 units per acre and the implementing R-5 zoning includes single-family housing. The primary intent of the Urban Residential 2 category is to encourage a range of housing density (4-20 dwelling units per acre) to promote urban infill, and maximize the efficient use of infrastructure. Urban Residential- 2 may also serve as a transition category between lower density residential categories and more intensive development.

The requested change would allow the parcel to be subdivided into two residential lots with two single-family homes. The property owner has already built one home on the site and is awaiting the approval of this amendment before proceeding with the second home. In addition, the proposed change would be consistent with the future land use designation and zoning occurring in the vicinity of the request. The property immediately adjacent to the site

to the west is zoned R-5 with a Future Land Use designation of UR-2. The proposed change is consistent and compatible with the predominant use in the area which is residential.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features: The subject site is located in the eastern edge of Lake Munson Drainage basin. County environmentally sensitive area maps indicate no other known environmentally sensitive features in the subject area.

2. Water/Sewer: City water and sewer are available to the area.

3. Transportation:

   Transportation Analysis and Conclusion: The subject site is located north of Monday Road and west of Capital Circle, SE. Trip generation analysis by the City Concurrency Division, concluded that the proposed change in future land use would result in a net decrease of 20 PM peak hour trips.

   Transit Availability**:** The subject site is located on the north side of Monday Road, approximately 1,100 feet west of Capital Circle, southeast. There is a StarMetro bus stop located at the intersection of Capital Circle SE and Old St. Augustine Road, which is approximately 4,450 feet north of the property and other bus stop located at the intersection of Capital Circle SE and S. Blair Stone Road, which is approximately 4,800 feet south of the property.

   Bicycle/Pedestrian Facilities Availability: The bike lanes and sidewalks are planned for roads in the immediate area, including Monday Road, Paul Russell and Midyette Roads. Capital Circle, SE has sidewalks and bike lanes.

4. Schools: The subject site is in the Conley, Fairview and Rickards school attendance zones.

School Name	Conley Elementary	Fairview Middle	Rickards High
Potential Students Generated	2	1	1
Present Capacity	-486	-222	241
Post Development Capacity	-488	-223	240

The table above depicts preliminary calculations provided by School Board staff based on the maximum residential development allowed under the requested future

land use category. Final school concurrency calculations will be conducted in the future when a site plan for proposed development is submitted.

5. Optional Sustainable Development Survey

The amendment application forms include an optional sustainable development survey that allowed the applicant to provide information about the proximity of services to the site under review. The form was not completed by the applicant.

F. VESTED / EXEMPT STATUS:

The subject site is not vested or exempt.

G. CONCLUSION:

Based on the above data and analysis, staff concludes the following:

1. The proposed Urban Residential -2 land use category is consistent with the predominant development pattern in the vicinity of the subject site. The subject site and the surrounding area are developed with low density residential development.

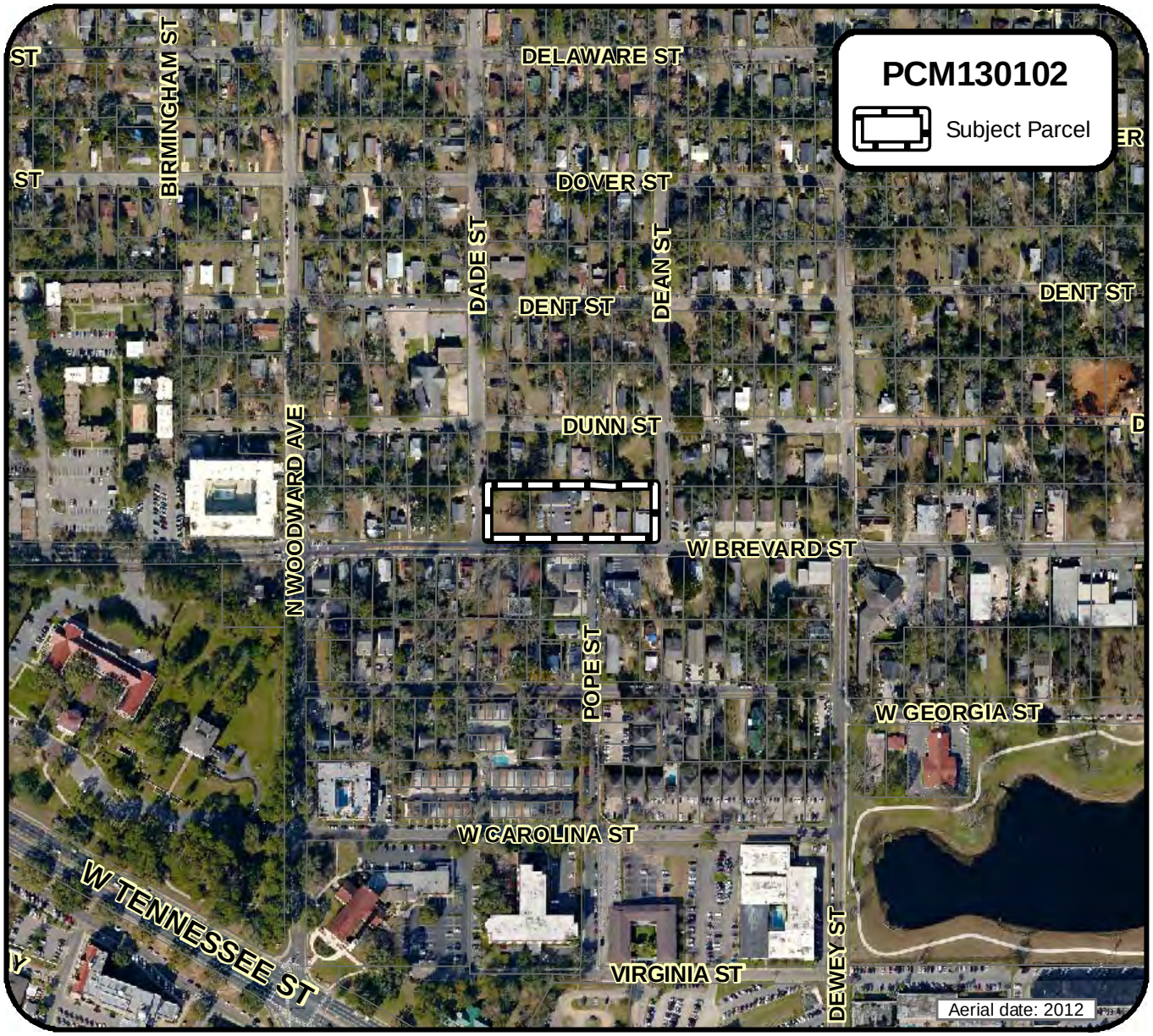
2. The proposed change would correct an error made during the Land Use Compliance Certificate Process, and would allow the subject parcel to be subdivided into two residential lots with two single-family homes which is compatible with the surrounding land uses.

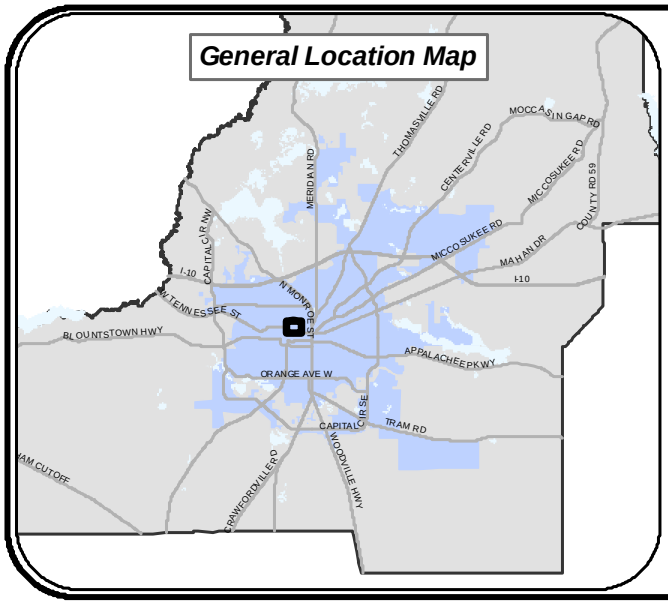
3. The proposed amendment is not anticipated to have adverse effects on public facilities.

Thus, based on the data, analysis, and conclusions, staff is recommending approval of this amendment.

ATTACHMENT #11

Staff Report PCM130102





West Brevard Street
PCM130102

Louis Chambers

SITE TAX IDs:
21-26-53-002-0010
21-26-53-002-0011
21-26-53-002-0020
21-26-53-002-0040
21-26-53-002-0050
21-26-53-002-0060
21-26-53-002-0070

ACRES: 1.16 ±

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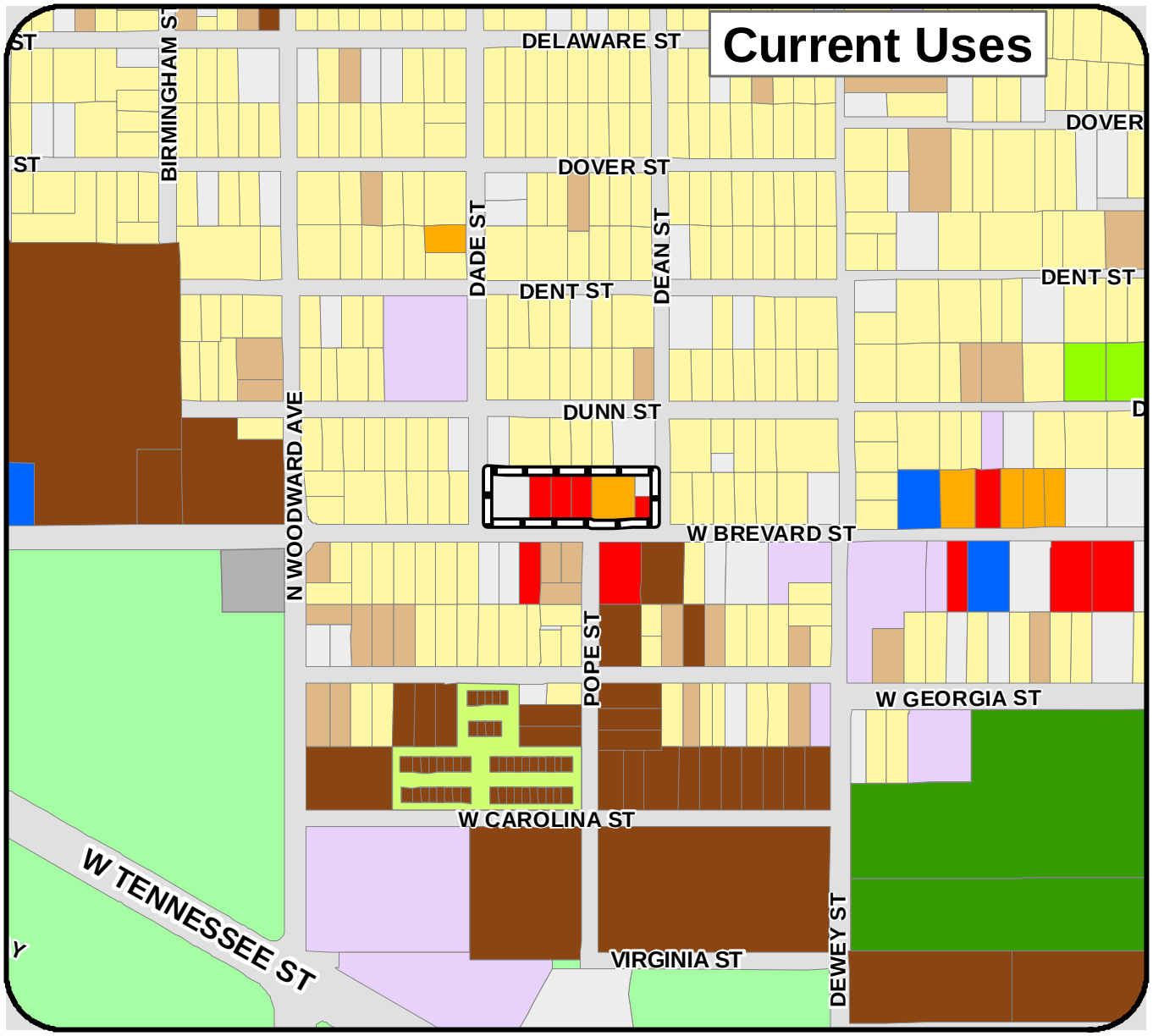
TALLAHASSEE LEON COUNTY
PLANNING DEPARTMENT



Legend

Subject Parcel

Current Uses (Oct. 2012)

- Single Family Detached/Mobile Home
- Two-Family Dwelling
- Multi-Family
- Retail
- Office
- Warehouse
- School
- Open Space Common Areas
- Open Space Resource Protection
- Open Space Recreation/Parks
- Religious/Non-profit
- Transportation/Communications/Utilities
- Vacant

West Brevard Street
PCM130102
Louis Chambers

SITE TAX IDs:
21-26-53-002-0010
21-26-53-002-0011
21-26-53-002-0020
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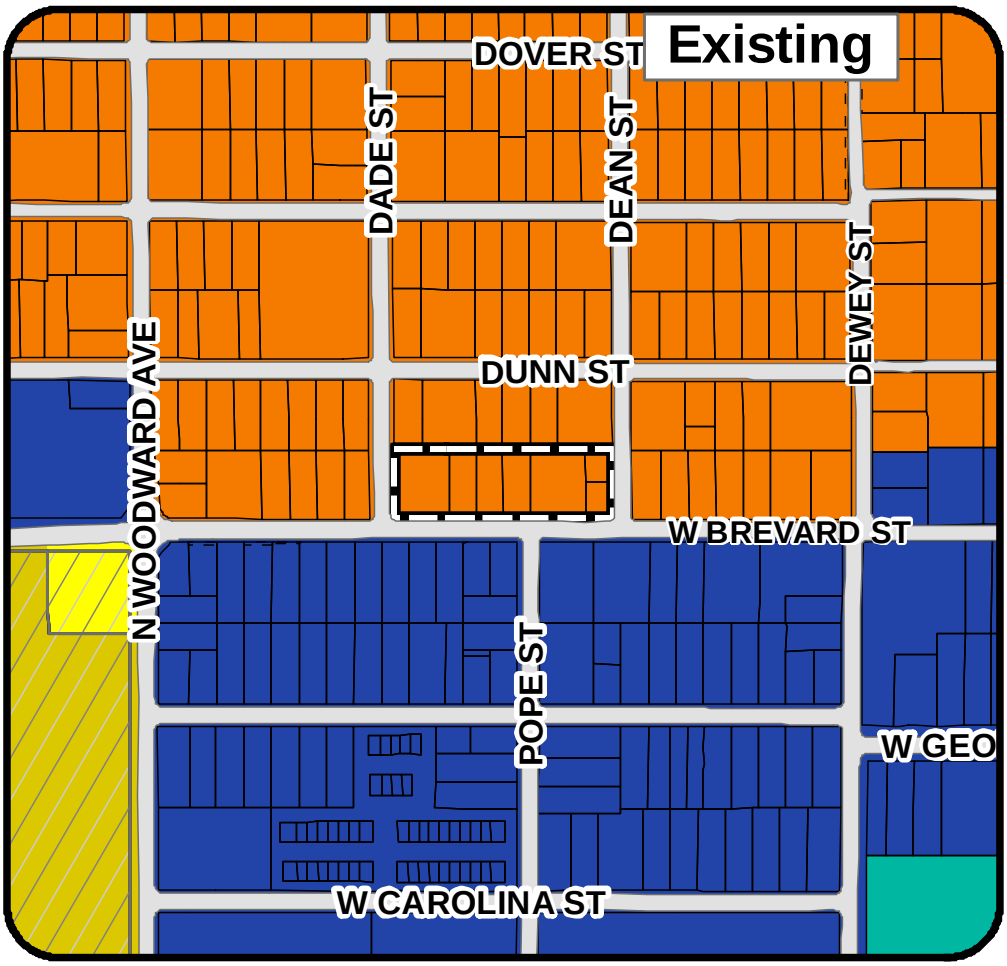
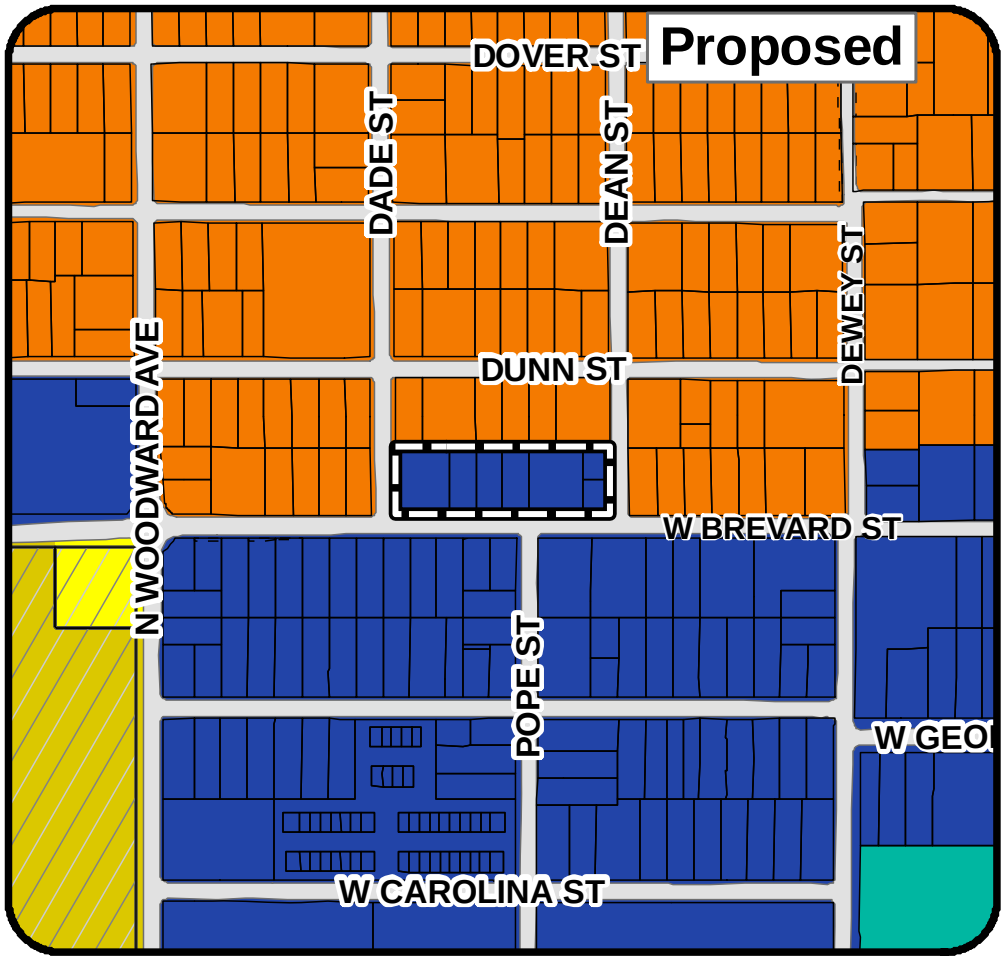
ACRES: 1.16 ±

PLANNING DEPARTMENT





Future Land Use

Legend

- Central Urban
- Educational Facilities
- Governmental Operation
- Open Space
- Residential Preservation
- Subject Parcel

West Brevard Street
PCM130102
Louis Chambers

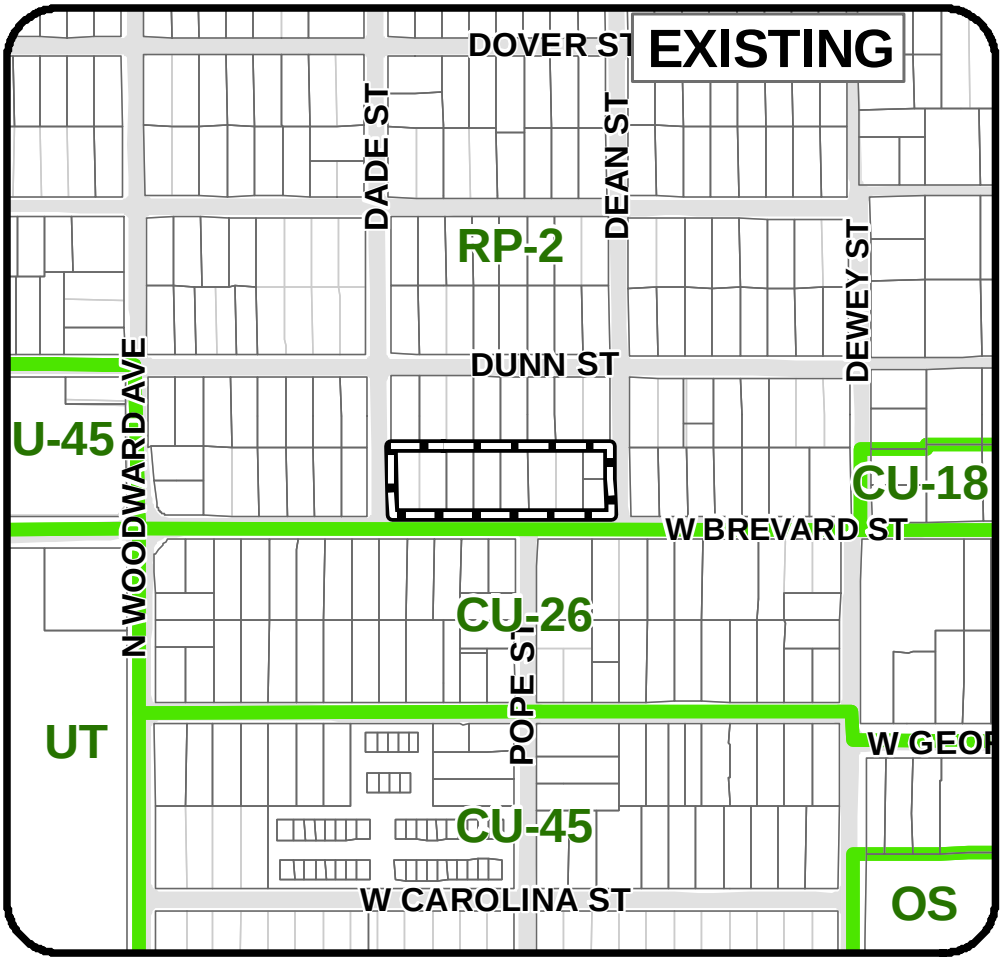
Existing
Residential Preservation

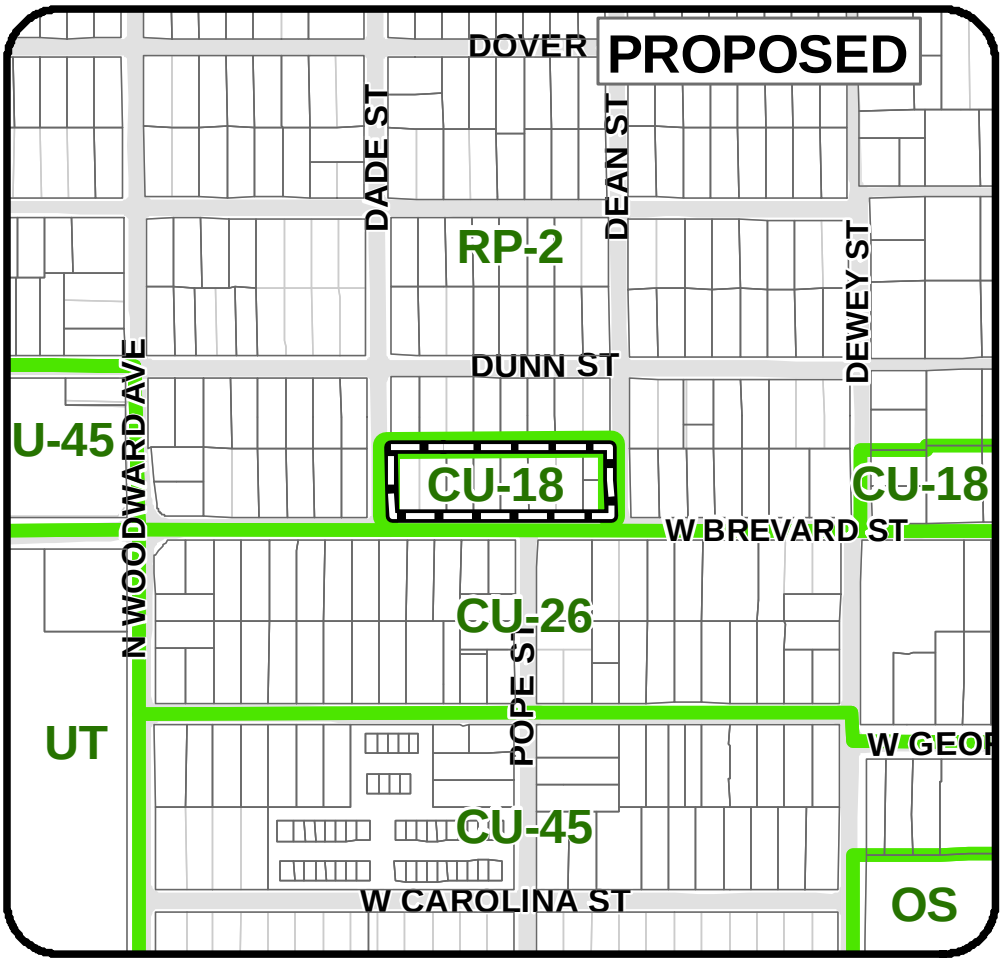
Proposed
Central Urban

SITE TAX ID:
21-26-53-002-0010
21-26-53-002-0011
21-26-53-002-0020
21-26-53-002-0040
21-26-53-002-0050
21-26-53-002-0060
21-26-53-002-0070

ACRES: 1.16 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT





ZONING

Legend

Subject Parcel

zoning

West Brevard Street
PCM130102
Louis Chambers

Existing

RP-2
(Residential Preservation)

Proposed

CU-18
(Central Urban)

SITE TAX ID:
21-26-53-002-0010
21-26-53-002-0011
21-26-53-002-0020
21-26-53-002-0040
21-26-53-002-0050
21-26-53-002-0060
21-26-53-002-0070

ACRES: 1.16±

TALLAHASSEE LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

MAP AMENDMENT #: PCM130102

APPLICANT: Louis Chambers

TAX I.D. # s: 21-26-53-002-0010, 0011, 0020, 0040, 0050, 0060, 0070 (±1.15 acre)

CITY __X__ COUNTY __

CURRENT DESIGNATION: Residential Preservation (RP)

REQUESTED DESIGNATION: Central Urban (CU)

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM 130102

A. SUMMARY:

This is a request to change the Future Land Use Map (FLUM) from Residential Preservation (RP) to Central Urban (CU) on seven lots totaling 1.15 acres located immediately north of West Brevard Street, between Dade Street and Dean Street. The existing Residential Preservation category allows single-family housing up to six units per acre. The proposed Central Urban allows a variety of office and commercial uses and housing up to 45 units per acre. The subject site includes the existing Blue Collar Restaurant, a use which is non-conforming under the Residential Preservation category. This request would provide relief from the current status as non-conforming and allow the applicant to expand the use.

In conjunction with this map amendment, the applicant is requesting a zoning change from Residential Preservation -2 (RP-2) to Central Urban -18 (CU-18). A rezoning application has been filed concurrent with this map amendment.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The requested change to the Central Urban land use category would be consistent with the predominant development pattern occurring along this segment of West Brevard Street. The proposed CU land use category allows office, commercial and retail activities, along with a variety of housing types, all of which are located in the vicinity of the subject site.

2. The proposed amendment site does not generally meet the criteria for Residential Preservation as established by Land Use Policy 2.2.3.

3. The proposed amendment eliminates a nonconforming land use which further and supports the intent of Land Use Objective 1.5.

4. Approval of the amendment would support and further recommendations from the Frenchtown Revitalization Plan which direct commercial areas along Brevard Street to provide walkability to goods and services for the Frenchtown/ Springfield community.

5. The subject site is located in the Mobility District. Approval of the amendment would further the goals of the Mobility District, by allowing mixed use development, and higher intensities and densities, a prerequisite for successful implementation of mass transit and other alternative modes of transportation.

6. Approval of this amendment is not expected to have adverse effects on public facilities.

C. APPLICANT'S REASON FOR THE AMENDMENT:

The application gives the following basis for the proposed change:

> *The change is needed in order to protect a 20 year investment. I own Blue Collar Restaurant located at 818 west Brevard Street. I was told by the Planning Department that my property is zoned Residential preservation-2 which does not allow a restaurant. I have been told that if the building is destroyed I would not be able to replace it at this location. I would like to get the correct zoning on my business. I also have several other properties adjacent to the restaurant that I feel are not zoned correctly. Brevard Street is not a residential street and the area consists mostly of businesses and commercial uses. The residential zoning put my restaurant in jeopardy, if something was to happen to the building. Also in the future I would like to sell beer and wine and possibly expand the restaurant. The zoning I have now will not allow me to do this.*

D. STAFF ANALYSIS:

Location and Land Use

The subject site is under single ownership and is located immediately north of West Brevard Street, between Dade and Dean Streets. The site is part of the Saxon Northwest Addition, a residential subdivision, and backs up to single-family homes. The subject site, comprised of seven lots, is developed with the Blue Collar Restaurant, two single family rental homes, an office and parking lots. The parcels range in size from .07 acre to .29 acre.

In determining whether the subject site should remain in the Residential Preservation land use category or be changed to Central Urban, several issues need to be considered: 1) the intent of each of the categories as they relate to the site and surrounding area; 2) the effects the proposed change could have on the residential character of the area; and 3) an evaluation of the applicant's reasons for the proposed amendment in context of the Comprehensive Plan.

1. Review of the Site Relative to the Intent of the Future Land Use Categories

Land Use Policy 2.2.3 establishes the Residential Preservation Future Land Use category. The Residential Preservation category is intended to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions. Under it multi-family, commercial, and office uses are prohibited. Permitted uses include low density residential (up to 6 du/ac), recreation (passive and active), community services and light infrastructure. Under the category, consistency with surrounding residential type and density shall be a major determinant in granting development approval. While the subject site was platted as part of a residential subdivision, it does not meet the general criteria for Residential Preservation as established by Land Use Policy 2.2.3. The subject site fronts a major collector street and consists mostly of nonresidential development, along with some vacant residential homes.

Land Use Policy 2.2.8 establishes the Central Urban category. Central Urban areas are characterized by older developed portions of the community that are primarily located adjacent to or in close proximity to the urban core and the major universities. Land use intensities in this category are intended to be higher due to the presence of requisite capital infrastructure, and the nearby location of employment and activity centers. Under the category, infill and potential redevelopment and/or rehabilitation activity are encouraged. Allowable uses include residential (up to 45 du/ac), employment (including light manufacturing), office and commercial development. The siting of land uses within the category is dependent on implementing zoning districts. If the subject site is changed to the Central Urban land use category, the applicant is requesting that it be rezoned to Central Urban – 18. This zoning would provide a variety of housing types with densities ranging from a minimum of four dwelling units per acre to a maximum of 18 dwelling units per acre, and office uses up to 22,000 square feet per acre.

2. Effects of the proposed change on character of the area

The subject site is located in the Frenchtown/Springfield community along West Brevard Street, a major collector street. While there are some single family homes along this corridor (most of which are rental), this segment of the corridor has development mostly with nonresidential uses in the form of offices, stores, and restaurants; uses not permitted under the Residential Preservation category.

The proposed land use designation of Central Urban would be consistent with the dominant uses occurring along this segment of West Brevard Street. In addition, the applicant is requesting CU-18 zoning to implement the change which would also be consistent with the existing development pattern in the area. This zoning district is intended to provide for a variety of uses while promoting compatibility between adjacent residential and nonresidential uses through development and design standards.

3. Evaluation of the Applicant's Reasons for the Request in the Context of the Plan and Surrounding Area

The applicant is requesting this map change to make Blue Collar Restaurant a conforming use under the zoning code and the future land use map. The applicant was informed by staff when he made inquiry about expanding the building and applying for a beer and wine license that he could not do either because his property was nonconforming under the current Residential Preservation -2 (RP-2) zoning. This came as a surprise to the applicant since he thought his property was zoned commercial. The applicant purchased the Blue Collar site in October 1991. The business started at the site in November of 1991. At the time the site was zoned C-2, a commercial zoning. The Comprehensive Plan was adopted in July 1990 and designated the property as Residential Preservation; however the zoning to implement this designation was not effective until February 1992. Staff research revealed that the C-2 zoning had been on the subject site since the 1980's.

Because Blue Collar Restaurant did not exist prior to the adoption of the Comprehensive Plan in 1990, it is not eligible for the PELUC (Previously Existing Land Use Conformity) process which would deem the use of the property to be conforming and therefore, allow the property to expand its use. While the use of the property commenced after the adoption of the Plan, it still is a long standing use in the community. Land Use Objective 1.5 promotes the elimination of nonconforming land uses created by the adoption of the Plan. The proposed amendment would further and support the intent of the objective.

Major Planning Issues Analysis

The subject site is located on the fringe of a residential neighborhood. However, while the site was platted as part of the residential neighborhood, over time this area along West Brevard Street has evolved into a commercial/retail area, with the exception of a few single family homes, most of which are rental or vacant. These uses existed prior to the adoption of the Comprehensive Plan and were placed in Residential Preservation even though they did not generally meet the intent of the category.

It should be noted that the subject site is located in an area that is commonly referred to as "Frenchtown". In the mid 1990's a revitalization plan was approved for the area titled the "Frenchtown Revitalization Plan". In the Plan there were specific recommendations provided by businesses and residents for land use along Brevard Street. These recommendations included making the street a "Residential Neighborhood Commercial" corridor with walk to retail/commercial activities. This was to facilitate local walk to services so that residents would not have to rely on automobiles. This concept was furthered when the Mobility District was adopted for our urban core area in 2009. The subject site is located in that district. The proposed amendment would further the recommendations provided in the Frenchtown Revitalization Plan and those of the Mobility District.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features: The subject site has been developed and is located in the Lake Munson Drainage Basin of southwest Tallahassee.

2. Water/Sewer: City water and sewer are available to the area.

3. Transportation:

Transit Availability**:** The subject properties and surrounding area are serviced by Star Metro.

Bicycle/Pedestrian Facilities Availability: The request area does have sidewalks.

Transportation Analysis and Conclusion: The subject site is located within the Mobility District. Automobile Level of Service standards do not apply to parcels contained within the adopted Mobility District, as created by Comprehensive Plan Amendment PCT080119, because this geographic area is now governed by area wide multimodal Level of Service standards to be evaluated every other year pursuant to state requirements.

Schools: The subject site is in the Riley, Griffin and Leon school attendance zones.

School Name	Riley Elementary	Griffin Middle	Leon High
Potential Students Generated	6	2	2
Present Capacity	-142	419	11
Post Development Capacity	-148	417	9

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

4. Optional Sustainable Development Survey

The amendment application forms include an optional sustainable development survey that allowed the applicant to provide information about the proximity of services to the site under review. The form was not completed by the applicant.

F. VESTED / EXEMPT STATUS:

The subject properties are not vested or exempt.

G. CONCLUSION:

Based on the above data and analysis, staff concludes the following:

1. The requested change to the Central Urban land use category would be consistent with the predominant development pattern occurring along this segment of West Brevard Street. The proposed CU land use category allows office, commercial and retail activities, along with a variety of housing types, all of which are located in the vicinity of the subject site.

2. The proposed amendment site does not generally meet the criteria for Residential Preservation as established by Land Use Policy 2.2.3.

3. The proposed amendment eliminates a legal nonconforming land use created at the adoption of the Comprehensive Plan which further and supports the intent of Land Use Objective 1.5.

4. Approval of the amendment would support and further recommendations from the Frenchtown Revitalization Plan which direct commercial areas along West Brevard Street to provide walkability to goods and services for the Frenchtown/Springfield community.

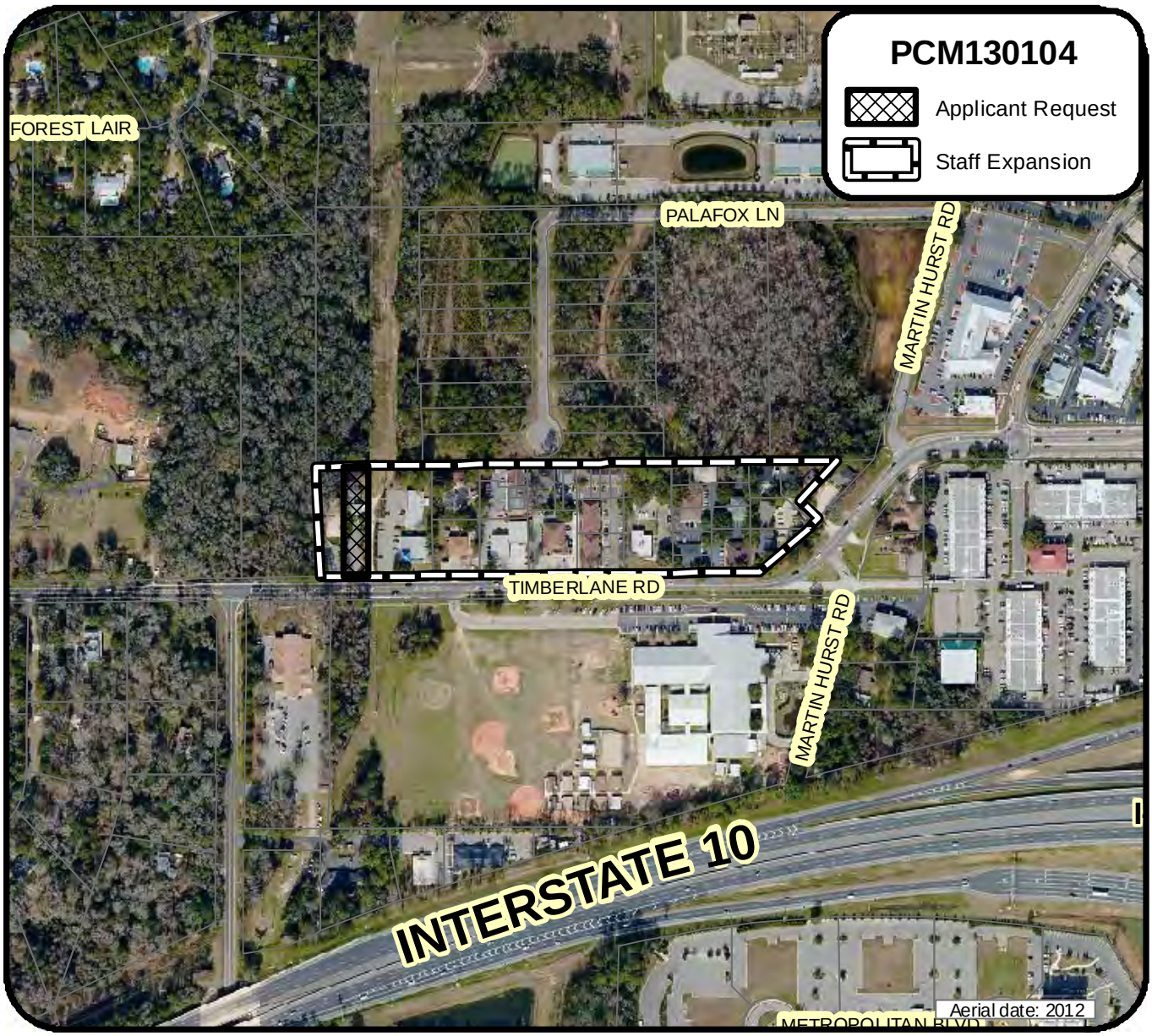
5. The subject site is located in the Mobility District. Approval of this amendment would further the goal of the Mobility District, by allowing mixed use development, and higher intensities and densities, a prerequisite for successful implementation of mass transit and other alternative modes of transportation.

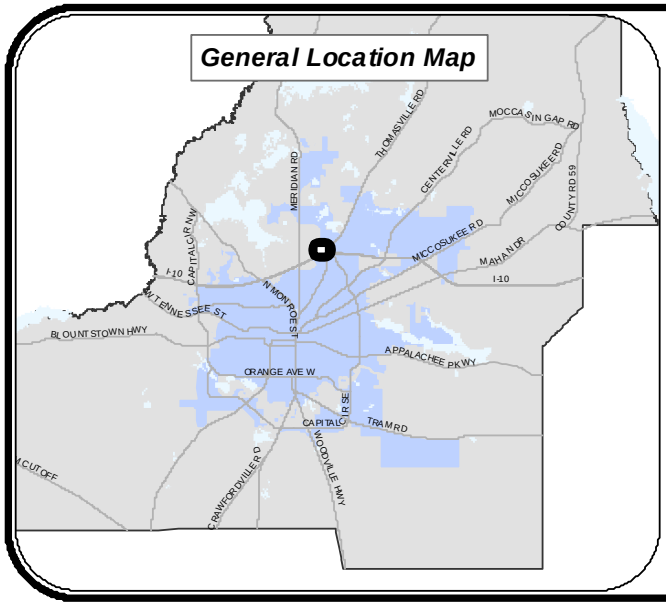
6. Approval of this amendment is not expected to have adverse effects on public facilities.

Thus, based on the data, analysis, and conclusions, staff is recommending approval of this amendment.

ATTACHMENT #12

Staff Report PCM130104





Timberlane Road near Market District PCM130104

Darrh Bryant

MULTIPLE SITE TAX ID's
(See Text)

ACRES: 9.8 ±

PLANNING DEPARTMENT

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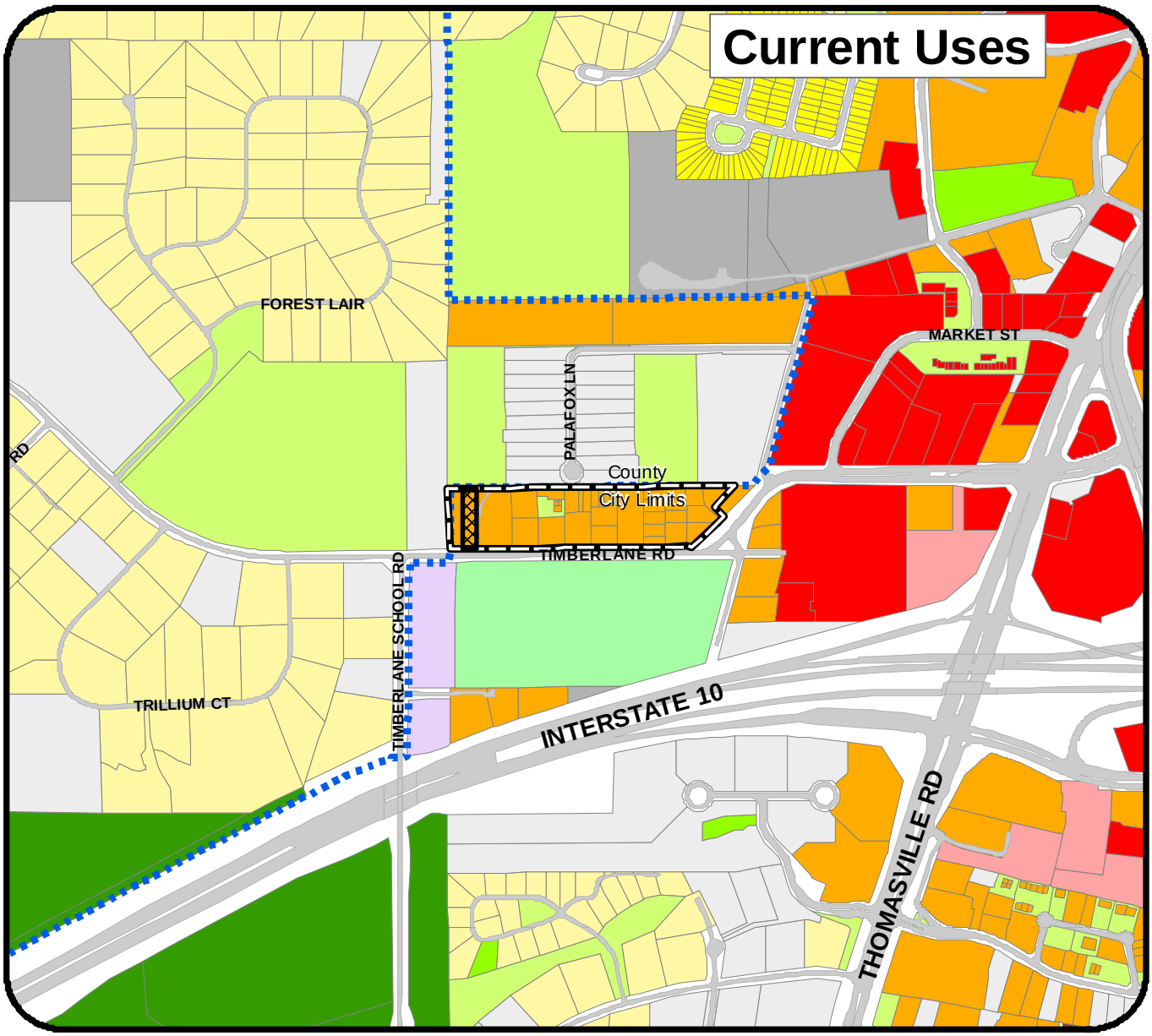


Legend

- Applicant Request
- Staff Expansion
- City Limits

Current Uses (Oct. 2012)

- Single Family Detached/Mobile Home
- Retail
- Office
- Open Space Common Areas
- Open Space Recreation Parks
- Open Space Resource Protection
- Motel/Hospital/Clinic
- Religious/Non-profit
- Transportation/Communications/Utilities
- Vacant

Timberlane Road near Market District PCM130104

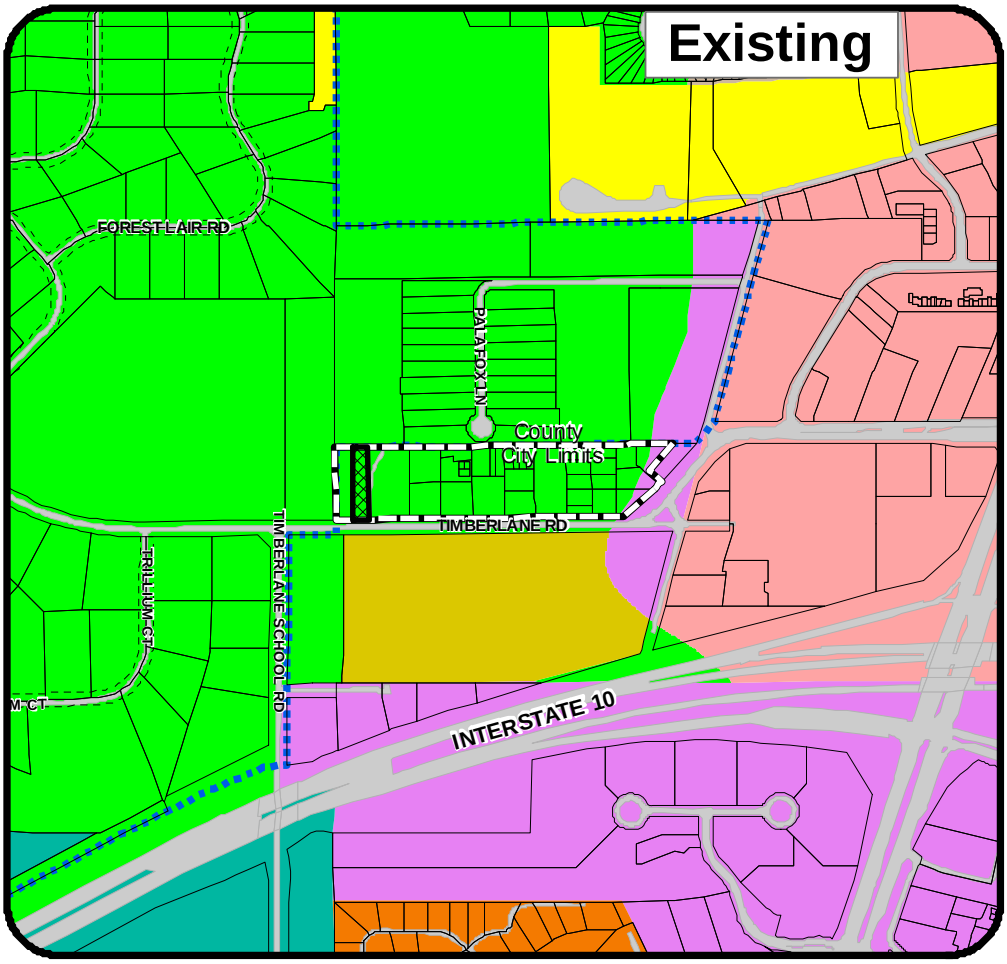
Darrh Bryant

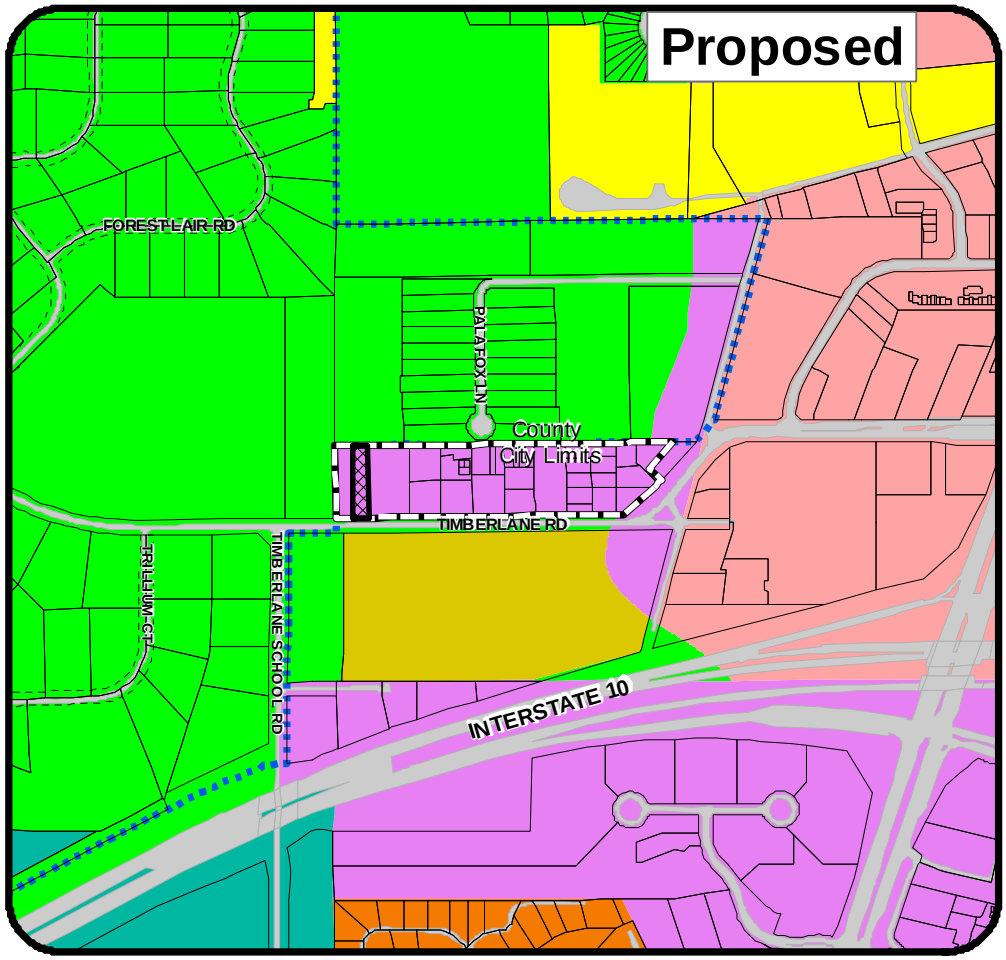
MULTIPLE SITE TAX ID's (See Text)

ACRES: 9.8 ±

PLANNING DEPARTMENT

N W E S





Future Land Use Legend

- Activity Center
- Educational Facilities
- Government Operation
- Lake Protection
- Recreation/Open Space
- Residential Preservation
- Suburban
- Urban Residential 2

- Applicant Request
- Staff Expansion

Timberlane Road near Market District
PCM130104
Darrh Bryant

Existing
Lake Protection

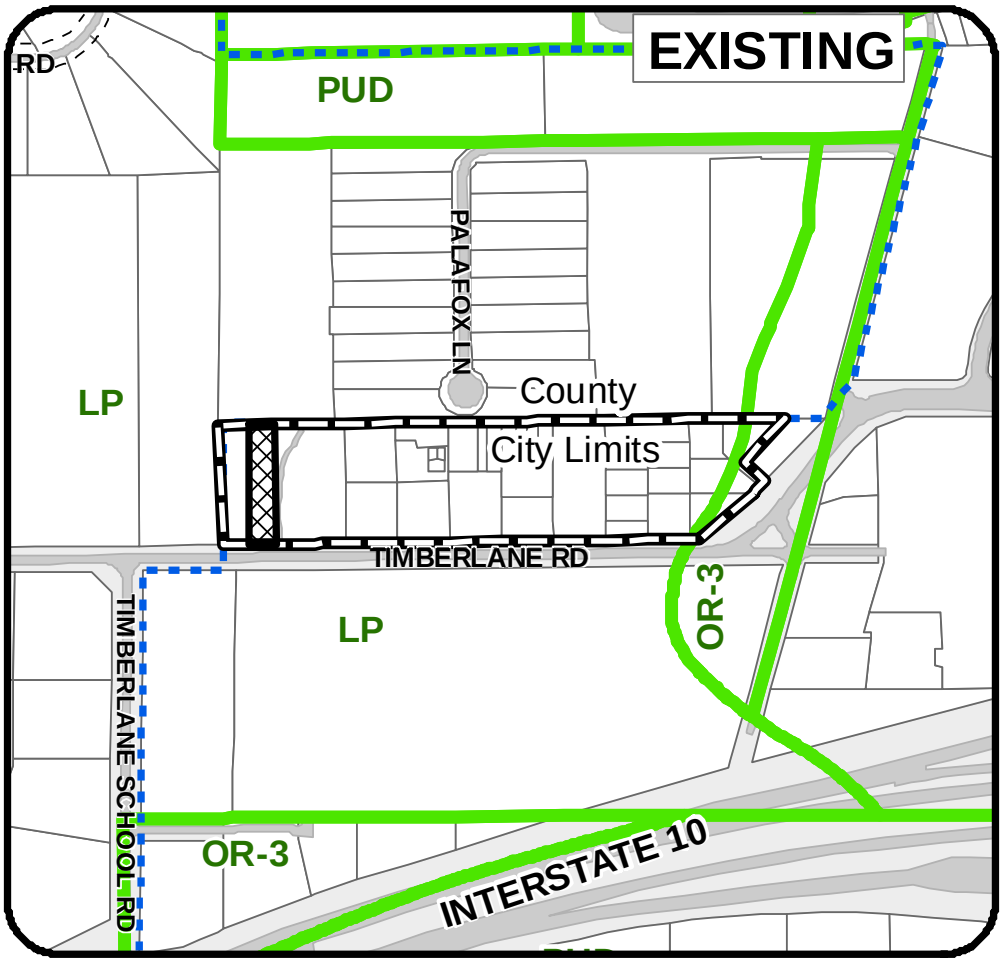
Proposed
Suburban

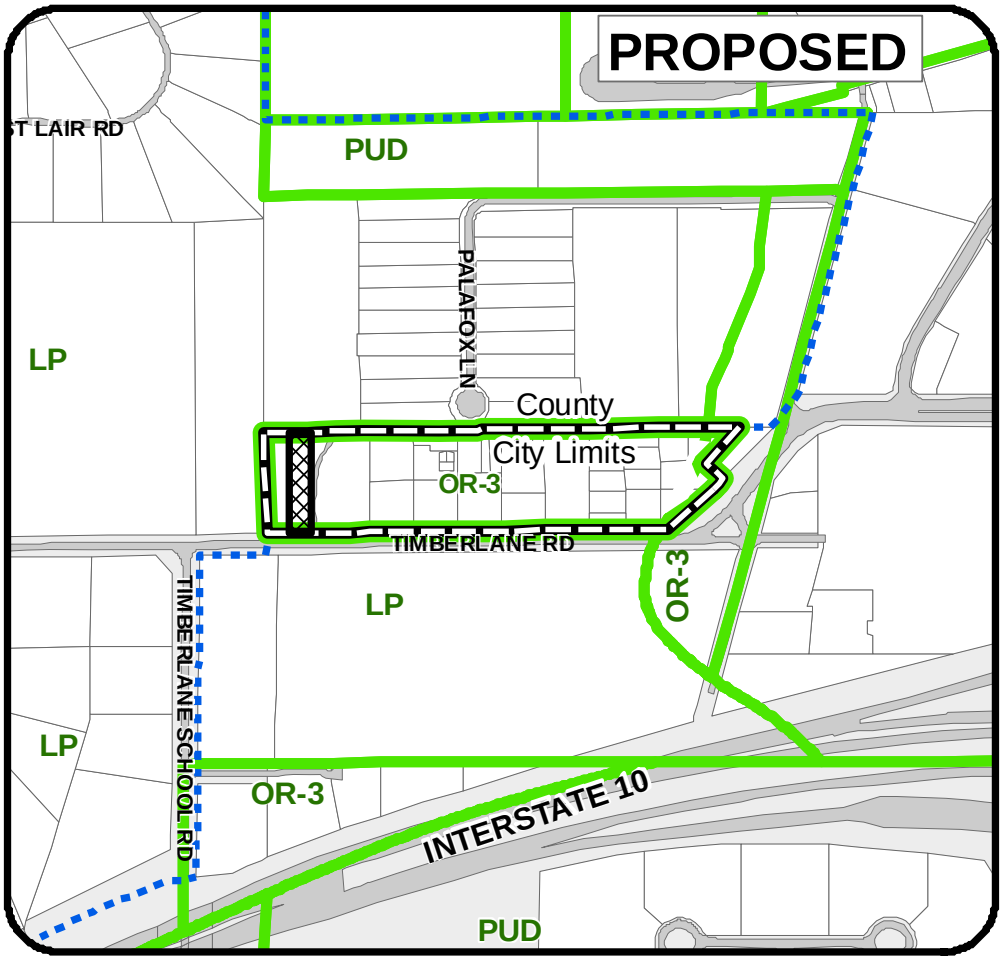
N W E S

MULTIPLE SITE TAX ID's
(See Text)

ACRES: 9.8 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING AND MANAGEMENT OF COMMUNITY CHANGE





ZONING

Legend

- Applicant Request
- Staff Expansion
- zoning
- City Limits

Timberlane Road near Market District PCM130104

Darrh Bryant

Existing

LP (Lake Protection)

Proposed

OR-3 (Office Residential Medium Density)

MULTIPLE SITE TAX ID's (See Text)

ACRES: 9.8 ±

TALLAHASSEE LEON COUNTY PLANNING DEPARTMENT

MAP AMENDMENT: PCM130104

APPLICANT: Dr. Darrh Bryant, DMD

TAX I.D. #:
Original Request: 11-08-51-012-290 (0.5 acres)
Staff Recommended Expansion[1]: 9.9 acres

CITY X COUNTY __

CURRENT DESIGNATION: Lake Protection

REQUESTED DESIGNATION: Suburban

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve the amendment as expanded to include 34 properties and 9.9 acres.

A. SUMMARY:

The applicant's original request was to change the Future Land Use Map designation from "Lake Protection" to "Suburban" for a single developed parcel approximately 0.5 acre in size on the north side of Timberlane Road approximately 300' east of its intersection with Timberlane School Road. Staff also recommends expanding the boundary of the proposed change to incorporate this parcel and 33 additional developed parcels that are currently designated as Lake Protection. All except one of these parcels were developed as office or commercial uses in the early 1970s through the early-1980s. However, the adoption of the Comprehensive Plan and designation of these parcels as Lake Protection in 1990 made these uses nonconforming because Lake Projection in the City Limits does not allow non-residential uses.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed land use change for the 34 subject properties will eliminate the legal nonconforming land uses created at the time of adoption of the Comprehensive Plan, which supports and furthers the intent of Land Use Objective 1.5.
2. The developed parcels do not meet the criteria for Lake Protection as established in Land Use Policy 2.2.18.
3. The existence and likely future redevelopment of these parcels provide employment, service, and shopping opportunities within walking distance of nearby residential areas.
4. Given the frontage along Timberlane Road and the existing and surrounding land uses, these parcels would likely be found undesirable for redevelopment as single-family residences over the planning horizon.

[1] Tax ID Numbers provided in Attachment #1.

5. The parcels are mostly impervious due to existing development, and therefore redevelopment could not significantly increase impervious area and runoff into the Lake Jackson basin.
6. The proposed amendment is not anticipated to have adverse effects on public facilities.

C. APPLICANT'S REASON FOR THE AMENDMENT:

The existing Lake Preservation (LP) land use designation for the original subject property is inconsistent with the use of the property. This property, as well as 33 additional, similar parcels immediately on the north side of Timberlane Road, is part of a set of commercial offices and small businesses along the north side of Timberlane Road and east of the Market Square commercial area that was developed in 1983 prior to the adoption of the Comprehensive Plan in 1990. Despite its use, during the process of creating the Comprehensive Plan, this property was designated Lake Protection with a Lake Protection zoning designation. This land use designation therefore makes the current use legally non-conforming, which prohibits both new commercial and office uses and the expansion of existing, legally non-conforming land uses. This is also true for the remainder of the developed LP properties in this immediate area.

While this status may continue without the requested change, the non-conforming status limits the property owner's ability to expand and/or obtain financing for repairs and improvements. It also limits the owner's ability to sell or lease the property for other redevelopment for other uses. The lack of the ability to redevelop these properties and/or change their uses limits the incentive or requirement to address drainage issues that may impact Lake Jackson.

D. STAFF ANALYSIS

The original subject property, located at 1234 Timberlane Road, was previously utilized as a toxicology laboratory. It was purchased in early 2012 by the applicant to be renovated as a dental office so that he could relocate and expand his existing practice at 1280 Timberlane Road, four properties east of the subject property. Although the use of the subject property as a medical facility (dental office) is technically not allowable, the City's Growth Management Department allowed the requested use to move forward if all concurrency and other land development requirements were met. While not normal practice, this flexibility was granted based on two factors. One, the proposed use is functionally very similar to the prior use, and two, there are several similar historically non-conforming properties in this area north of Timberlane Road.

Following a determination by the Growth Management Department that the property owner was willing to and could fulfill the City's compliance requirements, including stormwater, parking, number of trips, and other stipulations, an agreement was prepared by the City Growth Management Department, Planning Department, and City Attorney's Office. The agreement would allow the property owner to use the subject property for a dental office under specific conditions intended to ensure no additional impacts to the local transportation network or to Lake Jackson would occur (Agreement included as Attachment #2.) These conditions include limiting the square footage of the property as a dental office, limiting the available parking, and submitting an application to change the future land use category and zoning of the subject

property. The application was submitted as part of the 2013-1 Cycle with a requested implementing zoning of OR-3 Office Residential District.

An additional 33 parcels on the north side of Timberlane Road have a land use designation of LP. Because they were previously developed as a mix of offices and commercial uses prior to the adoption of the Comprehensive plan, they are also legally non-conforming. Therefore, they were also incorporated into this analysis.

Existing Land Use & Zoning

The subject parcels are within the City and have a current Future Land Use Map (FLUM) and zoning designation of Lake Protection. This area is characterized by a mix of existing land uses, but the largest uses include open space, water, vacant lands, and single family detached/mobile homes. These existing land uses are indicated in Table 1.

Table 1: Existing Land Uses in the Lake Protection FLUM Category as of 2010.

LANDUSE	Parcels	Acres	Percent of Total
Open Space Undesignated	4	3.7	0.06
Warehouse	10	6.1	0.09
Motel/Hospital/Clinic	4	6.5	0.10
Government Operation	1	10.3	0.16
Transportation/Communications/Utilities	10	15.7	0.24
Two-Family Dwelling	47	20.7	0.32
Single Family Attached	204	28.7	0.44
Religious/Non-profit	12	30.2	0.47
Retail	23	50.2	0.78
Office	71	52.4	0.81
Multi-Family	15	52.6	0.81
Open Space Resource Protection	55	56.2	0.87
Open Space Common Areas	26	258.0	3.99
Water	7	267.4	4.14
Open Space Recreation/Parks	10	556.7	8.61
Vacant	447	1737.4	26.87
Single Family Detached/Mobile Home	3727	3312.9	51.24
Total	**4673**	**6466**	**100.00**

Notably, office and retail uses together comprise less than two percent of the total area in acres within the 4,673 acres designated as Lake Protection. The total area of the combined 34 subject properties is 9.9 acres.

Lake Protection Land Use Category

The Lake Protection category allows residential uses of one unit per two acres with clustering options that vary by jurisdiction.

Industrial, office and commercial uses are prohibited in the Lake Protection category within the City of Tallahassee. In the unincorporated areas of the Lake Protection category, minor office and minor commercial uses may be approved through the PUD process only if development retains its resultant stormwater on site. Industrial, commercial and office uses other than minor are prohibited in the unincorporated areas of the Lake Protection category.

Urban services are intended for this category inside the Urban Service Area. Additional requirements based on scientific studies and deemed necessary to protect the lake from further degradation, as well as improve existing water quality, are intended to be included in the land development code. Existing non-residential uses within the Lake Protection land use category that meet all water quality standards and associated time frames required in the Comprehensive Plan will be considered as permitted uses.

Within the Lake Protection Category, stormwater for non-single family and non-vested uses shall be retained on-site.

Lake Protection Zoning District

The purpose and intent of the Lake Protection district is to regulate activities in the area immediately adjacent to and affecting Lake Jackson, while protecting that water body and ecosystem. The area of the Lake Protection district is based on the lake basin boundary, adjusted to include undeveloped areas and existing, less intensely developed areas.

The lake protection district allows residential uses of one unit per two acres, or one unit per gross acre if clustered on 25 percent of the property. This cluster option is intended to leave large areas of land undisturbed within critically impacted areas, preserve green space, and minimize non-point pollution.

Urban services are intended for this category inside the urban service area. Existing nonresidential uses within this district that meet all water quality standards set forth in the comprehensive plan and environmental regulations will be considered permitted, lawfully established conforming uses.

Stormwater generated by any development must be either retained on-site or filtered through an approved regional stormwater management facility within the closed basin.

Allowable land uses include low density residential, passive recreation, active recreation, and community services. Industrial, office and commercial uses are prohibited in this category in the city limits.

A cluster option is available within the City that allows residential development at a density of one unit per gross acre as long as the resultant development clusters the units on 25% of the property and maintains the remaining 75% in natural open space. In the unincorporated portions of the Lake Protection category, clustering is allowed on 40% of the site at a net density of two (2) units per acre on the developed portion of the property. The remaining 60% of the property must remain in natural open space. Minimum lot sizes under the cluster option are 1/2 acre.

Cluster of residential development in areas designated for Lake Protection land use shall be permitted only on those portions of parcels not located within the Lake Jackson Special Development Zone and lying below one hundred ten (110) feet NGVD, and for higher elevations not determined to be severely limited by environmental constraints.

Proposed Land Use and Zoning

Suburban Land Use Category

The intent of the Suburban land use category, as stated in the Comprehensive Plan, is to create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. Employment opportunities should be located near residential areas, and if possible, within walking distance.

This category recognizes the manner in which much of Tallahassee-Leon County has developed since the 1940's. The category predominantly consists of single-use projects that are interconnected whenever feasible. Mixed-use projects and the principles of traditional neighborhood developments are encouraged but not required. The Suburban category is most suitable for those areas outside of the Central Core. However, additional areas inside the Central Core may be designated as appropriate based on existing land use patterns.

To complement the residential aspects of this development pattern, recreational opportunities, cultural activities, and commercial goods and services should be located nearby. To reduce automobile dependency of residents and employers alike, mass transit stops should be located at large commercial centers and appropriate street and pedestrian connections established between commercial and residential areas.

Except within mixed use centers, larger scale commercial development should be buffered from adjacent residential neighborhoods. Development shall comply with the Suburban Intensity Guidelines.

Office/Residential - 3 Zoning District

The OR-3 district is intended to be located within areas designated Suburban on the Future Land Use Map of the Comprehensive Plan in areas where employment and residential uses are encouraged to locate in close proximity to each other. The provisions of this district are intended to promote urban density and intensity of residential and office uses and the mixing of permitted uses to promote the use of public transit and the efficient use of public infrastructure.

Offstreet parking facilities in the OR-3 district shall be located and designed to promote convenient access to pedestrian and mass transit facilities. A variety of housing types, compatible non-retail activities of moderate intensity, retail commercial activities (limited to the ground floor), and certain community and recreational facilities related to office or residential uses are permitted in the OR-3 district. The allowed uses include medical and dental offices and services, laboratories, and clinics.

The maximum gross density allowed for new residential development in the OR-3 district is 20 dwelling units per acre, which is the maximum allowed under the Suburban land use category, while the minimum gross density allowed is eight (8) dwelling units per acre, unless constraints

of concurrency or preservation and/or conservation features preclude the attainment of the minimum densities. The OR-3 zoning district chart is included as Attachment 3.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features

The subject parcels are located within the Lake Jackson drainage basin. All of the subject parcels are outside the Special Development Zone for Lake Jackson.

The original subject parcel is developed with an office building and associated parking lot. Approximately 60 percent of the parcel is impervious. Approximately 5.9 acres (60 percent) of the 9.9 acres that comprise the total area of the subject properties are impervious.

County environmentally sensitive area maps indicate no other significant environmentally sensitive features in the subject area.

2. Water/Sewer

The subject property is inside the established Urban Services Area. According to the City of Tallahassee, adequate water and sewer services are available for the subject properties.

3. Other

Roads

Timberlane Road is a County road that is classified functionally as a major collector with segments in the County and segments in the City. A concurrency analysis, conducted by City staff and shared with County staff, indicated no impacts to the available traffic capacity from the proposed use of the original subject property as a dental office under the terms of the agreement with the City.

At present, there are no identified capacity issues along that segment of Timberlane Road between Market Street and Timberlane School Road. Since traffic impacts are calculated on a site by site basis and by proposed use, it cannot be determined what the potential impacts may be if the land use amendment is adopted. An estimation of potential impacts based on residential uses is not useful since it is unlikely that any conversions of existing offices to residential will occur in this location.

Transit Availability

StarMetro has two existing bus routes that offer service within walking distance of the subject property. The Red Hills route passes approximately 0.5 miles from the property, and the Dogwood route passes approximately 0.6 miles from the property.

Bicycle/Pedestrian Facilities Availability

Am existing sidewalk is located on the south side of Timberlane Road from Timberlane School Road to Thomasville Road. No bicycle facilities exist along Timberlane Road.

The subject area is considered to be part of the Market District, which is being addressed through the Market District Placemaking Plan. The Plan includes objectives that include creating an interconnected district that links businesses and neighborhoods, and improving

traffic safety for all users. As part of this plan, streetscape improvements along Timberlane Road and greenway connections are being considered to enhance additional mobility modes, and to increase pedestrian connectivity and comfort. Specific improvements being considered include wider sidewalks, street trees, and street lighting;

4. Schools

The site is zoned for Gilchrist Elementary School, Raa Middle School, and Leon High School. The potential impact on available public school capacity, if the original subject property was redeveloped residentially, is indicated in the following table:

School Name	Gilchrist Elementary	Raa Middle	Leon High
Potential Students Generated	1	0	0
Present Capacity	104	87	11
Post Development Capacity	103	87	11

The table above depicts preliminary calculations provided by School Board staff based on the maximum residential development allowed under the requested future land use category. Since the proposed use is office for the original subject property, there will be no anticipated school impacts. If all the 34 developed properties remain as offices, there will be no anticipated school impacts.

5. 5-Year Capital Improvements Projects

None.

F. VESTED / EXEMPT STATUS:

Not applicable.

G. PLANNING ISSUES

Protection of Lake Jackson

Lake Jackson is one of the principal recreational lakes in Leon County, and is considered a world-renowned bass fishing spot and recreational resources for the entire Tallahassee area. These uses of the lake have historically provided a net positive economic benefit to Leon County. In response to environmental concerns and the economic and recreational value of this waterbody, Lake Jackson was designated by the State of Florida as an "Outstanding Florida Water." It is also the only freshwater lake that is a state-designated Aquatic Preserve in Florida.

Lake Jackson is a closed drainage basin. Surface water flows into the lake, but leaves only through evaporation or by seeping into the ground. The lake's bottom has a number of sinkholes that are connected to the Floridan Aquifer through a network of spaces in the underground rock. During periods of drought, reduced inflows from rainfall and runoff lower the lake level, and can allow sinkholes to drain the water remaining in the lake. On September 16, 1999, Porter Hole Sink drained, taking with it fish, turtles, and the

majority of the southern portion of Lake Jackson. Early in 2000, the northern portion of the lake drained through Lime Sink.

Following these events, Leon County, the Northwest Florida Water Management District, the Florida Fish and Wildlife Conservation Commission, and the Florida Department of Environmental Protection (FDEP) funded an $8.4 million restoration project. This project entailed scraping an existing layer of nutrient-rich sediment (organic muck) up to three feet thick from the bottom of the lake to restore its natural sand and clay bottom. These sediments washed into the lake from the construction of Interstate – 10 and from pre-stormwater regulation development upstream. After considerable efforts and expense by local and state government, the water quality has recovered considerably.

The original intent of the Lake Protection land use category was the protection of the water quality of Lake Jackson from the effects of unmanaged urban development. This land use category was developed in response to the well-documented scientific concerns regarding the degradation and continuing pollution of Lake Jackson. This category is based on the lake basin boundary, adjusted to include contributing watersheds but to exclude existing, more intensely already-developed areas south of Interstate 10 along U.S. Highway 27.

Given its value to the community, and the funds invested in its environmental management and restoration, the continuing protection of Lake Jackson, including the waters that flow into the lake from its surrounding watershed, is a continuing community priority. A non-profit group called the Friends of Lake Jackson was created to preserve, enhance, and maintain the waters of Lake Jackson and its surrounding and supporting watershed. The Friends have been active since 1998, and remain active today.

The Friends of Lake Jackson group has expressed concern about the possible impacts on water quality from stormwater runoff if the subject property is rezoned. However, this area has been developed since the early 1980s, and this development occurred before many of the current stormwater and other land development and concurrency requirements were put into place. If the land use and zoning designations for this parcel and others similar to it along the north side of Timberlane Road continue to make these properties non-conforming, there is little incentive for any redevelopment of these properties to occur.

Additionally, if any of these properties are more than 50 percent destroyed by fire or another catastrophic event, they cannot be rebuilt if they are non-conforming. It is also unlikely, given the financial returns for property owners on office uses versus residential uses, their frontage along Timberlane Road, and the existing and surrounding land uses, that these properties will be redeveloped as low-density housing at one unit per two acres.

Therefore, if these properties are rezoned and their current uses are made conforming, property owners can more easily obtain financing for maintenance and upgrades or expansions, or to change uses as allowed by the new land use and zoning categories. Furthermore, any significant expansions of existing uses or changes in use will be required to meet current growth management policies and land development regulations, including stormwater management requirements. There are presently 25 properties within the subject area that either contain no documented stormwater management facilities, or contain stormwater management facilities that are sub-standard as compared with today’s requirements. Redevelopment of these parcels will provide a much-needed opportunity to upgrade or completely retrofit these existing sub-standard

stormwater management systems. Redevelopment of these parcels will also offer the opportunity to incorporate landscape areas into the site, which would both shade the vehicular use area and lower the temperature of the runoff into Lake Jackson. It is anticipated that these changes will improve the water quality of stormwater runoff entering Lake Jackson.

Regional Stormwater Treatment

As a result of the concerns over the impacts to Lake Jackson from untreated stormwater runoff from developed areas, a number of studies and plans have been developed by local and state government over the last several decades. The *Lake Jackson Regional Stormwater Retrofit Plan* was developed by the Northwest Florida Water Management District (NWFWMD), FDEP, Leon County, and the City of Tallahassee in 1992. A more comprehensive Lake Jackson Management Plan (also known as the *Lake Jackson Surface Water Improvement and Management* (SWIM) *Plan*) was developed in the 1994 by NWFWMD to preserve the undisturbed portions of the Lake Jackson watershed, and restore those areas that are already polluted or under stress. An update and addendum to this plan was published in 1997. Priorities of the Lake Jackson SWIM plan include:

- Improve and maintain water quality in Lake Jackson to preserve environment, fisheries and recreation.
- Preserve the undisturbed portions of the Lake Jackson watershed by developing a comprehensive management plan for the entire watershed.
- Restore the polluted portions of the lake through constructing and operating regional stormwater treatment facilities throughout the watershed.
- Work with federal, state and local governmental agencies to acquire and manage environmentally sensitive land in the Lake Jackson watershed.
- Increase public awareness and participation in the management of the lake and its uplands.
- Develop a plan to remove nutrient-laden sediments during a natural drawdown of the lake.

Leon County worked with the Northwest Florida Water Management District (NWFWMD) to design and construct the following regional retrofit facilities identified in the Lake Jackson SWIM plan: Megginnis Creek, I-10, Okeeheepkee Area, and Yorktown Pond. The Okeeheepkee Area facility constructed north of Fuller Road was enhanced by the additional treatment facility built by Leon County south of Fuller Road. The frequent flooding in the Jackson Heights neighborhood created federal funding eligibility to acquire several homesites. These parcels were combined to construct flood attenuation and water quality facilities, replacing the stormwater retrofit originally proposed at Lake Charles and Cynthia Pond.

The Lake Jackson drawdown of 1999 presented the opportunity for lake sediment removal. Construction funds budgeted for the Rhoden Cove and Lexington facilities were added to state grant funds so that Leon County staff and private contractors could remove over 2 million cubic yards of sediment.

Leon County pursued funding through the U.S. Army Corps of Engineers for the Rhoden Cove and Lexington facilities, and then was able to successfully obtain funding from the Water Quality Program Funds from the Blueprint 2000 Sales Tax Extension. Comprehensive Plan

amendments for impacts to floodplain and sensitive features were required for the projects to continue, as well as amendment to the County environmental ordinance.

However, the Rhoden Cove (Lexington Road) facility location, intended to capture and treatment a significant amount of the stormwater flowing along Timberlane Creek to Lake Jackson via Fords Arm, was determined by County environmental staff to contain protected high quality wetlands. Alternative locations could not be located in the watershed to provide cost-effective, accessible retrofit. The stormwater treatment facility was not constructed. However, state and local funds were used to perform exotic and invasive plant management within 215 acres of wetlands west of Meridian Road.

The Lexington facility location identified by the NWFWMD was reevaluated as well. Extended review of alternatives and design goals have resulted in a 30% design presented at a public workshop October 4, 2012.

Environmentally sensitive lands that border Lake Jackson were also acquired to further protect the lake. In 1992 the District purchased 508 acres that now make up part of the Klapp-Phipps Park. Another 26-acre parcel was purchased in 1999 by Leon County for the Okeeheepkee Prairie Regional Stormwater Management Facility, and another 72 acres were purchased by the City of Tallahassee for a passive park (Timberlane Ravine Greenway) in the late 2000s.

Comprehensive Plan Policies

Policy 2.3.5 of the Conservation Element of the Comprehensive Plan addresses both the City of Tallahassee and Leon County's role in implementing the Lake Jackson SWIM Plan. This policy requires local government to adopt a plan and implementation schedule by 2004 to retrofit developed areas in the Lake Jackson basin that do not meet the stormwater standards required by the comprehensive land use plan and provided in the implementing ordinances. This policy requires this plan to include priorities for implementation and provide for funding. In the City's version of this policy, the implementation and funding priorities are to be created with due consideration of other stormwater management needs in the community.

Towards implementing this policy and several closely related policies elsewhere in the Comprehensive Plan, the City of Tallahassee completed in 2005 a substantial water quality analysis and planning project that was based on concerns over the feasibility of many of these broad-based water quality goals in the Plan. This project led to the adoption and funding of the City's Stormwater Pollution Reduction Program (SPRP). Following establishment of the SPRP, the City Commission directed staff to revise the broad-based water quality goals in the Conservation Element, as well as the Stormwater Element, including policies 1.4.2 [SM] and 2.1.7 [C]. These changes were made in the 2006-1 Cycle. Policy 1.4.2 [SM] was deleted and a substitute new Policy 1.5.4[SM] was established with the same revised language.

The language in Policy 2.3.5[C] is very similar to the type of language the Commission directed be modified in light of its adoption of the SPRP approach to water quality. Staff from the City Underground Utilities Department has recommended that Policy 2.3.5 [C] be modified or removed to be consistent with the approved SPRP approach. Planning Staff is evaluating this suggestion for possible future amendment.

Transportation

There is a sidewalk along the south side of Timberlane Road, but none at present along the north side. A sidewalk has been proposed in the list of Proposed Area Infrastructure Projects for the

Market Square Placemaking project (Attachment #4). This proposed sidewalk would provide a means for residents and visitors to access the subject property and the other similar properties east and west of the subject property by foot. Bicycle lanes have also been proposed by local government along Timberlane Road. However, funding for this project, and the sidewalk, has not yet been identified.

Local Government Priorities

The Market Square Placemaking project is an effort to bring existing shopping centers, offices, neighborhoods, and apartments that comprise this urban node into a more coherent district with improved road, sidewalk, and trail connections, and other local activities and events intended to build a stronger identity and sense of place. As part of this effort, local property owners, residents, businesses, and Planning Department staff have met to create an action plan and a list of infrastructure projects intended to foster more physical connections and travel mode choices for increased accessibility. This proposed land use amendment is consistent with this planning project in that it is within easy walking and bicycling distance of the Market Square area, and is a part of this district.

The Leon County Board of County Commissioners' FY 2012 & FY 2013 Strategic Plan directs the County to implement economic initiatives and implementing strategies that encourage the highest quality sustainable development, business expansion, and redevelopment opportunities. These initiatives include the identification of revisions to future land uses which expand opportunities to promote and support economic activity. This proposed land use amendment is consistent with this Plan in that it promotes and supports economic activity.

The 2012-2013 update to the Tallahassee – Leon County Greenways Master Plan includes a proposed greenway composed of three shared use paths or trails that connect the Timberlane Greenway north to Alfred B. Maclay Gardens State Park, and to the Meridian Greenway, the Market Square commercial district, the Village Commons Shopping Center, and the Maclay Hammock neighborhood. These trails will use a combination of utility easements on private land and publicly owned property, including road rights of way and greenway land acquisitions acquired for multiple purposes, including trail connections.

H. CONCLUSION:

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

1. The proposed land use change for the 34 subject properties will eliminate the legal nonconforming land uses created at the time of adoption of the Comprehensive Plan, which supports and furthers the intent of Land Use Objective 1.5.
2. The developed parcels do not meet the criteria for Lake Protection as established in Land Use Policy 2.2.18.
3. The existence and likely future redevelopment of these parcels provide employment, service, and shopping opportunities within walking distance of nearby residential areas.
4. Given the frontage along Timberlane Road and the existing and surrounding land uses, these parcels would likely be found undesirable for redevelopment as single-family residences over the planning horizon.

5. The parcels are mostly impervious due to existing development, and therefore redevelopment could not significantly increase impervious area and runoff into the Lake Jackson basin.
6. The proposed amendment is not anticipated to have adverse effects on public facilities.

Based on this analysis and its conclusions, Planning Department staff recommends changing the area covered by the subject properties that is currently designated as Lake Protection to Suburban.

I. ATTACHMENTS:

1. List of Tax Identification Numbers
2. Memorandum of Agreement
3. OR-3 Zoning Code
4. Market District Map

PCM130104 Subject Property Tax Identification Numbers

110854000 0010
110815000 0020
110851012 1272
110851012 1297
110815000 0040
110851012 1267
110854000 0020
110815000 0050
110851012 1271
110851012 1210
110815000 0080
110851012 1220
110851012 1290
110851012 1266
110851012 1270
110851012 1250
110851012 1260
110854 0001
110851012 1230
110815000 0010
110851012 1225
110851012 1295
110851012 1265
110815000 0070
110854000 0030
110851012 1296
110815000 0060
110851012 1240
110815000 0030
110854000 0040
110851012 1235
110851012 1280
110851012 1273
110851012 1269

MEMORANDUM OF AGREEMENT
CITY OF TALLAHASSEE AND DR. M. DARRH BRYANT

This Agreement is entered into by and between M. Darrh Bryant, DMD, P.L., whose address is 1280 Timberlane Road, Tallahassee, FL 32312 (hereinafter "Bryant") and the Growth Management Department and PLACE Department of the City of Tallahassee, a Florida municipal corporation (hereinafter "City"), whose address is 300 South Adams St., Tallahassee, Florida 32301, related to use of property described below, which Bryant has under contract for purchase in the City of Tallahassee, Leon County, Florida.

WHEREAS, Bryant has contracted to purchase property identified as Tax Parcel No. 1108510121290, located at 1234 Timberlane Road, Tallahassee, Florida, which is designated on the Tallahassee-Leon County Future Land Use Map as Lake Protection, and on the City's official zoning map as Lake Protection Zoning District (hereinafter "Property"); and

WHEREAS, the Property is now a general (non-medical) office, which is a nonconforming use under the Lake Protection Future Land Use Category and the Lake Protection Zoning District; and

WHEREAS, upon purchasing the Property, Bryant intends to move his dental practice into the existing building on the Property; and

WHEREAS, although medical office uses traditionally have greater impacts than non-medical offices, and are nonconforming uses under the Lake Protection Future Land Use Category and the Lake Protection Zoning District, Bryant agrees to limit the use of the Property as provided herein to ensure no additional impacts over current impacts to the surrounding transportation network or to Lake Jackson; and

WHEREAS, Bryant agrees herein to submit applications to change the Future Land Use Category and Zoning District on the Property; and

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WHEREAS, to encourage the economic vitality of the Property and the surrounding area, and continue protection of Lake Jackson, City Planning Department and Growth Management Department staff agree to support Bryant's use of the property for his dental practice as long as the terms of this Agreement are met.

NOW THEREFORE, in consideration of ten dollars and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

1. The above recitals are acknowledged as true and correct, and are hereby adopted and incorporated into the body of this Agreement by reference. All exhibits attached to this Agreement are incorporated by reference herein.

2. On May 15, 2012, Bryant submitted an application for concurrency for use of the Property as a medical office pursuant to the City's concurrency regulations. In its review of the concurrency application, City staff determined that the proposed medical office use will not create an increase in traffic intensity because there will be no increase in total PM peak hour traffic for the site, and the use will not result in any transportation concurrency deficiencies.

3. Bryant hereby agrees to maintain the status quo, as stated above, as long as the Property remains in the Lake Protection Future Land Use Category and Lake Protection Zoning District. To accomplish this, Bryant shall limit the impacts of his dental office use by limiting the total gross floor area of the dental office use to 4200 square feet; and the remainder of the existing building on the Property will be used as a properly permitted warehouse/storage area. There are currently 22 parking spaces on the Property. One parking space will be lost due to improvements in traffic circulation on the site to be done by Bryant, reducing the number of parking spaces on site to 21. Bryant agrees to limit the parking spaces to 21 as long as this Agreement is in effect. Pursuant to the terms of this Agreement, Bryant's application for

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concurrency with use of the Property for a medical office as set forth herein, is hereby approved and granted.

4. On or before October 1, 2012 or the 2013-1 Amendment Cycle application filing deadline, whichever is later, Bryant, or his duly authorized agent, shall submit an application for a Comprehensive Plan Map Amendment and a rezoning to change the Future Land Use Category on the Property to Suburban or another category that permits medical uses and the zoning district to Office Residential 2 (OR2) or another district that permits medical uses. Bryant agrees to submit and pursue the application in good faith.

5. If Bryant fails to submit the application as stated above, this Agreement shall be null and void.

6. If Bryant's applications for a Comprehensive Plan Map Amendment and rezoning are not approved, the use by Bryant of the Property for a medical office as stated herein may continue. If the application is approved, this Agreement will terminate and Bryant may use the Property as allowed under the new Comprehensive Plan Future Land Use Category and Zoning District.

7. This Agreement shall run with the land described in Exhibit A, unless terminated as provided herein.

8. Upon execution by all parties and contemporaneous with Bryant's closing on the Property , Bryant shall record this Agreement in the public records of Leon County and provide in writing the recording information to the City's Land Use Administrator. Failure to do so shall render the Agreement null and void.

9. In the event Bryant leases or sells the Property, he shall notify in writing the lessee or purchaser of this Agreement. Any lease or sale of the property for other than dental or general

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office use shall require the City's approval. In addition, Bryant shall notify the City's Land Use Administrator of such change within thirty (30) days.

Signed and agreed to this 9th day of July 2012.

M. DARRH BRYANT, DMD, P.L.

M. Darrh Bryant, DMD, P.L.

STATE OF FLORIDA
COUNTY OF LEON

On this 9th day of July. 2012, personally appeared before me M. Darrh Bryant, DMD, P.L., who ( ) is personally known to me or (✓) produced DL#B653-541-75-004-0 as identification to be the signer of the above instrument, and he/she acknowledges that he/she executed it.

Notary Public
(Stamp)

APRIL THORNTON
Commission # EE 195120
Expires May 2, 2016
Bonded Thru Troy Fain Insurance 800-385-7019

CITY OF TALLAHASSEE

GROWTH MANAGEMENT DEPT

By: Karen Jumonville, Director

PLACE (Planning, Land Management and Community Enhancement)

Wayne Tedder, Director

For:

STATE OF FLORIDA
COUNTY OF LEON

On this 5th day of July. 2012, personally appeared before me Karen Jumonville, Director of the Growth Management Department for the City of Tallahassee, who (✓) is personally known to me or ( ) produced _____ as identification to be the signer of the above instrument, and he/she acknowledge that he/she executed it.

Notary Public
(Stamp)

APRIL THORNTON
Commission # EE 195120
Expires May 2, 2016
Bonded Thru Troy Fain Insurance 800-385-7019

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BOB INZER
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STATE OF FLORIDA
COUNTY OF LEON

On this 5th day of July. 2012, personally appeared before me Roxanne Manning, for Wayne Tedder, Director of PLACE (Planning, Land management and Community Enhancement) who (✓) is personally known to me or ( ) produced _____ as identification to be the signer of the above instrument, and he/she acknowledges that he/she executed it.

April Thornton
Notary Public
(Stamp)

APRIL THORNTON
Commission # EE 195120
Expires May 2, 2016
Bonded Thru Troy Fain Insurance 800-385-7019

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EXHIBIT "A"

COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF LOT 12, JOHNSON'S SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 71 OF THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA, AND RUN THENCE NORTH 89 DEGREES 46 MINUTES EAST ALONG THE NORTH LINE OF SAID LOT NO. 12, A DISTANCE OF 70.00 FEET TO AN IRON PIN MARKING THE **POINT OF BEGINNING**. FROM SAID **POINT OF BEGINNING** CONTINUE NORTH 89 DEGREES 46 MINUTES EAST ALONG THE NORTH LINE OF SAID LOT NO. 12, A DISTANCE OF 65.00 FEET TO AN IRON PIN, THENCE SOUTH 00 DEGREES 43 MINUTES WEST 316.70 FEET TO AN IRON PIPE, THENCE SOUTH 89 DEGREES 46 MINUTES WEST ALONG THE NORTH BOUNDARY LINE OF TIMBERLANE ROAD 65.00 FEET TO AN IRON PIN, THENCE NORTH 00 DEGREES 43 MINUTES EAST 112.90 FEET TO AN IRON PIN, THENCE NORTH 41 DEGREES 58 MINUTES EAST 4.55 FEET TO AN IRON PIN, THENCE NORTH 00 DEGREES 53 MINUTES WEST 71.83 FEET TO AN IRON PIN, THENCE NORTH 25 DEGREES 37 MINUTES WEST 2.25 FEET TO AN IRON PIN, THENCE NORTH 00 DEGREES 43 MINUTES EAST 126.53 FEET TO THE **POINT OF BEGINNING.**

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Section 10-253 OR-3 Office Residential District

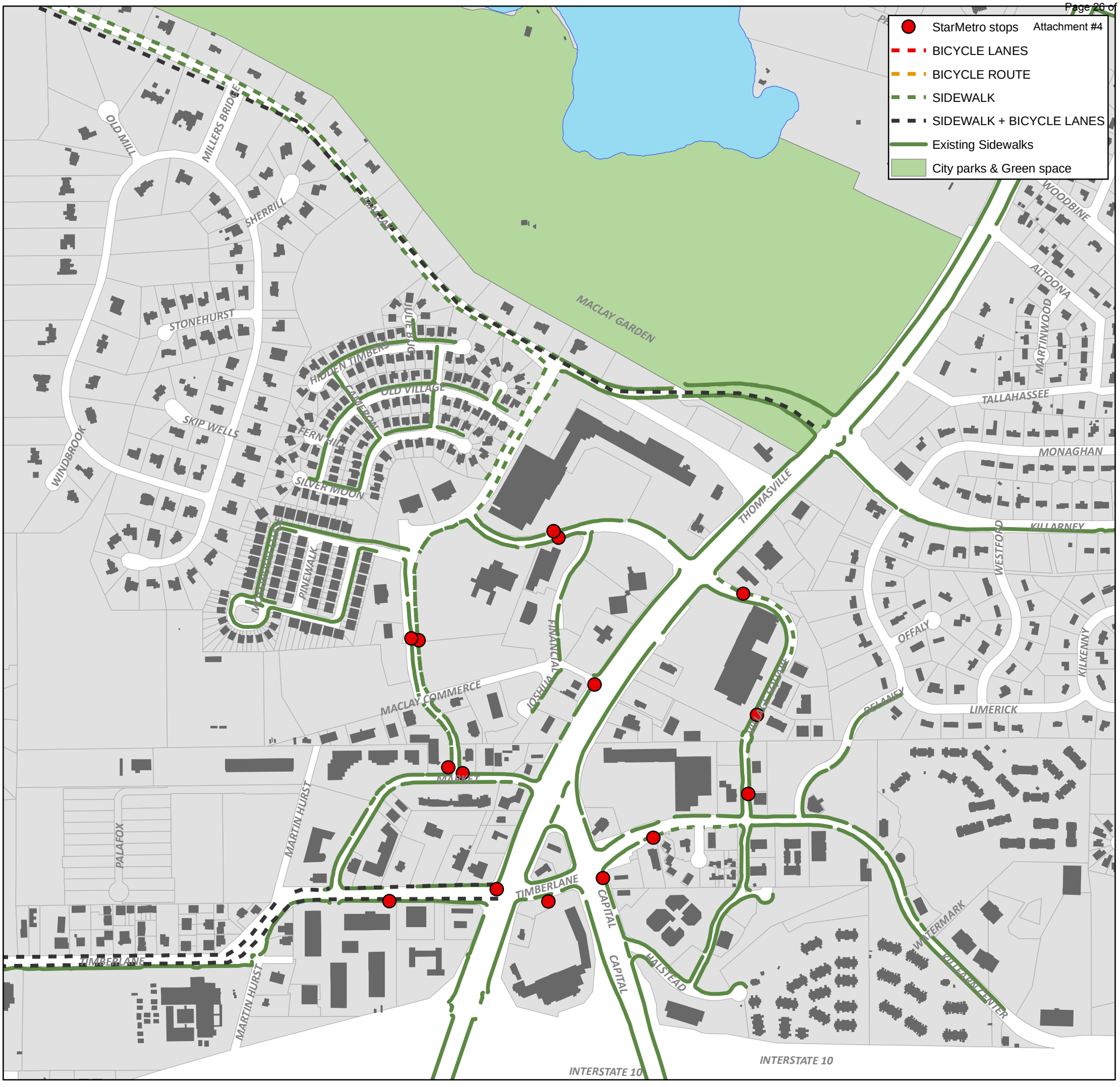
The following applies to the OR-3 Office Residential District:

	PERMIITED USES		
1. District Intent	**2. Principal Uses**		**3. Accessory Uses**
The OR-3 district is intended to be located within areas designated Suburban on the Future Land Use Map of the Comprehensive Plan in areas where employment and residential uses are encouraged to locate in close proximity to each other. The provisions of this district are intended to promote urban density and intensity of residential and office uses and the mixing of permitted uses to promote the use of public transit and the efficient use of public infrastructure. Off-street parking facilities in the OR-3 district shall be located and designed to promote convenient access to pedestrian and mass transit facilities. A variety of housing types, compatible non-retail activities of moderate intensity, retail commercial activities (limited to the ground floor), and certain community and recreational facilities related to office or residential uses are permitted in the OR-3 district. The maximum gross density allowed for new residential development in the OR-3 district is 20 dwelling units per acre, while the minimum gross density allowed is 8 dwelling units per acre, unless constraints of concurrency or preservation and/or conservation features preclude the attainment of the minimum densities. **Development standards for properties located within the MMTD are established within Division 4 of this Code.**	(1) Banks and other financial institutions. (2) Broadcasting studios. (3) Community facilities related to office or residential facilities, including libraries, religious facilities, vocational, police/fire stations, middle, and high schools. Other community facilities may be allowed in accordance with Section 10-413 of these regulations. (4) Day care centers. (5) Golf courses. (6) Hotels and motels, including bed and breakfast inns. (7) Medical and dental offices and services, laboratories, and clinics. (8) Multiple-family dwellings. (9) Non-medical offices and services, including business and government offices and services. (10) Nursing homes, including other residential care facilities. (11) Off-street parking facilities.	(12) Passive and active recreational facilities. (13) Personal services. (14) Rooming Houses. (15) Single-family attached dwellings. (16) Single-family detached dwellings. (17) Social, fraternal, recreational clubs and lodges, and assembly halls. (18) Studios for photography, music, art, dance, drama, and voice. (19) Two-family dwellings. (20) Veterinary services, including veterinary hospitals. (21) Zero-lot line single-family detached dwellings. (22) Any use permitted in the C-1 & C-2 districts with the exception of Billboards (and is not listed in uses 1-21 above), provided that the use is on the first floor of a multi-story building containing office and/or residential uses on any of the floors above the first floor.	(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the Land Use Administrator. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the Land Use Administrator.

DEVELOPMENT STANDARDS									
	4. Minimum Lot or Site Size			**5. Minimum Building Setbacks**				**6. Maximum Building Restrictions**	
Use Category	**a. Lot or Site Area**	**b. Lot Width**	**c. Lot Depth**	**a. Front**	**b. Side-Interior Lot**	**c. Side-Corner Lot**	**d. Rear**	**a. Building Size (excluding gross building floor area used for parking)**	**b. Building Height (excluding stories used for parking)**
Single-Family Detached Dwellings	5,000 square feet	50 feet	100 feet	15 feet	7.5 feet on each side; or any combination of setbacks that equals at least 15 feet, provided that no such setback shall be less than 5 feet	15 feet	25 feet	not applicable	3 stories
Two-Family Dwellings	8,500 square feet	70 feet	100 feet	15 feet	same as single-family above	15 feet	25 feet	not applicable	3 stories
Single-Family Attached Dwellings	1,600 s.f. min.; avg. of 2,000 square feet	16 feet	none	15 feet	none	15 feet	25 feet	not applicable	3 stories
Rooming Houses	5,000 square feet	50 feet	100 feet	15 feet	7.5 feet on each side; or any combination of setbacks that equals at least 15 feet, provided that no such setback shall be less than 5 feet	15 feet	25 feet	not applicable	3 stories
Multiple-Family Dwellings	10,000 square feet	80 feet	100 feet	15 feet	15 feet on each side	15 feet	10 feet	not applicable	3 stories
Zero-Lot Line Single-Family Detached Dwellings	3,750 square feet	30 feet interior lot; 40 feet corner lot	100 feet	20 feet	0 feet one side; 5 feet other side	15 feet	25 feet	not applicable	3 stories
Any Permitted Principal Non-Residential Use	12,000 square feet	60 feet	100 feet	15 feet	15 feet on each side	15 feet	10 feet	20,000 square feet of gross building floor area per acre (SEE NOTE 4)	3 stories (SEE NOTE 4)
7. **Street Vehicular Access Restrictions***:* Properties in the OR-3 zoning district may have vehicular access to any type of street. However, in order to protect residential areas and neighborhoods from non-residential traffic, vehicular access to a local street is prohibited for C-2 uses, not specifically listed as one of the principal uses above, if one of the following zoning districts is located on the other side of the local street: RA, R-1, R-2, R-3, R-4, R-5, MH, MR-1, RP-1, RP-2, RP-MH, RP-UF, and RP-R.									

GENERAL NOTES:

1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and non-residential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.
2. Refer to chapter 5, environmental management for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
3. Refer to chapter 4, concurrency management for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).
4. In properties formerly designated as Mixed Use C in the Future Land Use Map, the maximum non-residential gross building floor area is 40,000 square feet per acre and the maximum building height is six stories, if parking structures are provided for at least 50% of the parking spaces.



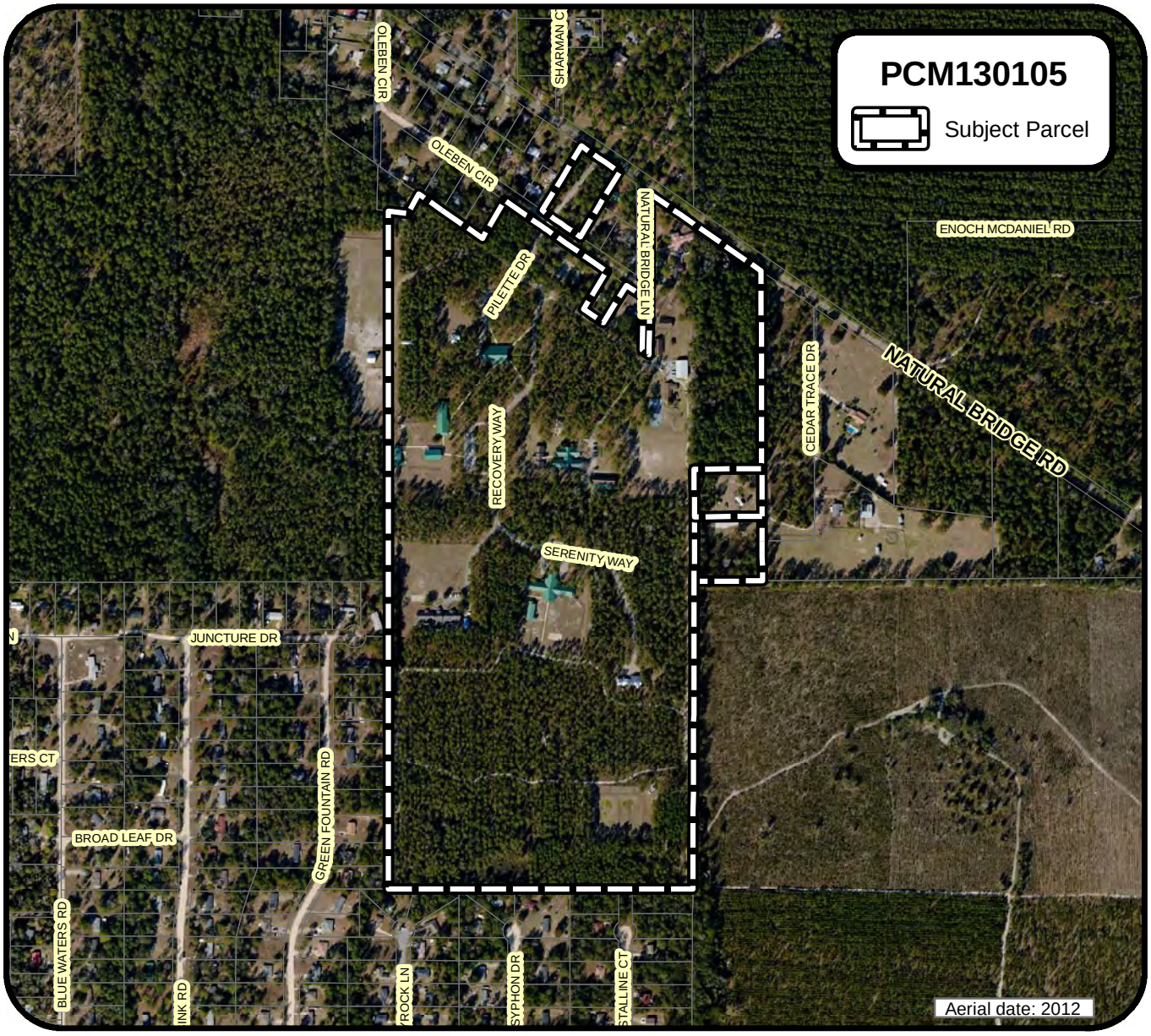
The Market District: Placemaking

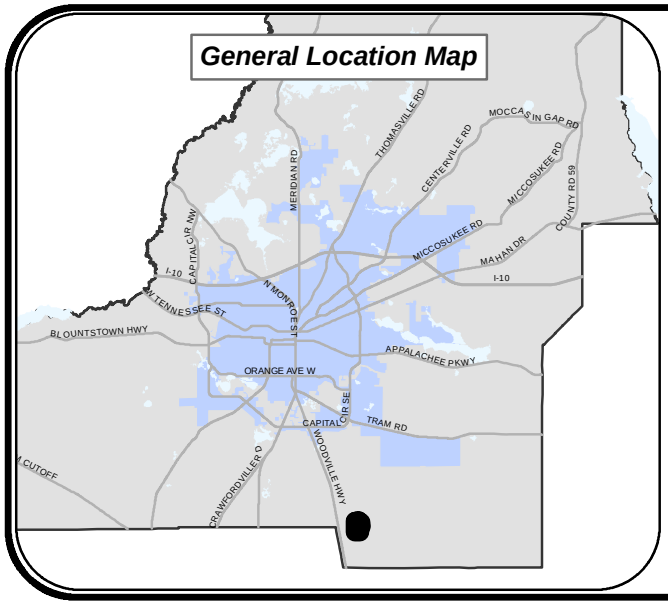
Proposed Area Infrastructure Projects

TLCPD
Tallahassee-Leon County Planning Department

ATTACHMENT #13

Staff Report PCM130105





Woodville
Rural Community Expansion
PCM130105
Disc Village

SITE TAX ID:
33-15-20-602-0000
33-15-20-603-0000
33-16-20-407-0000

ACRES: 98.04 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT and COMMUNITY ENHANCEMENT

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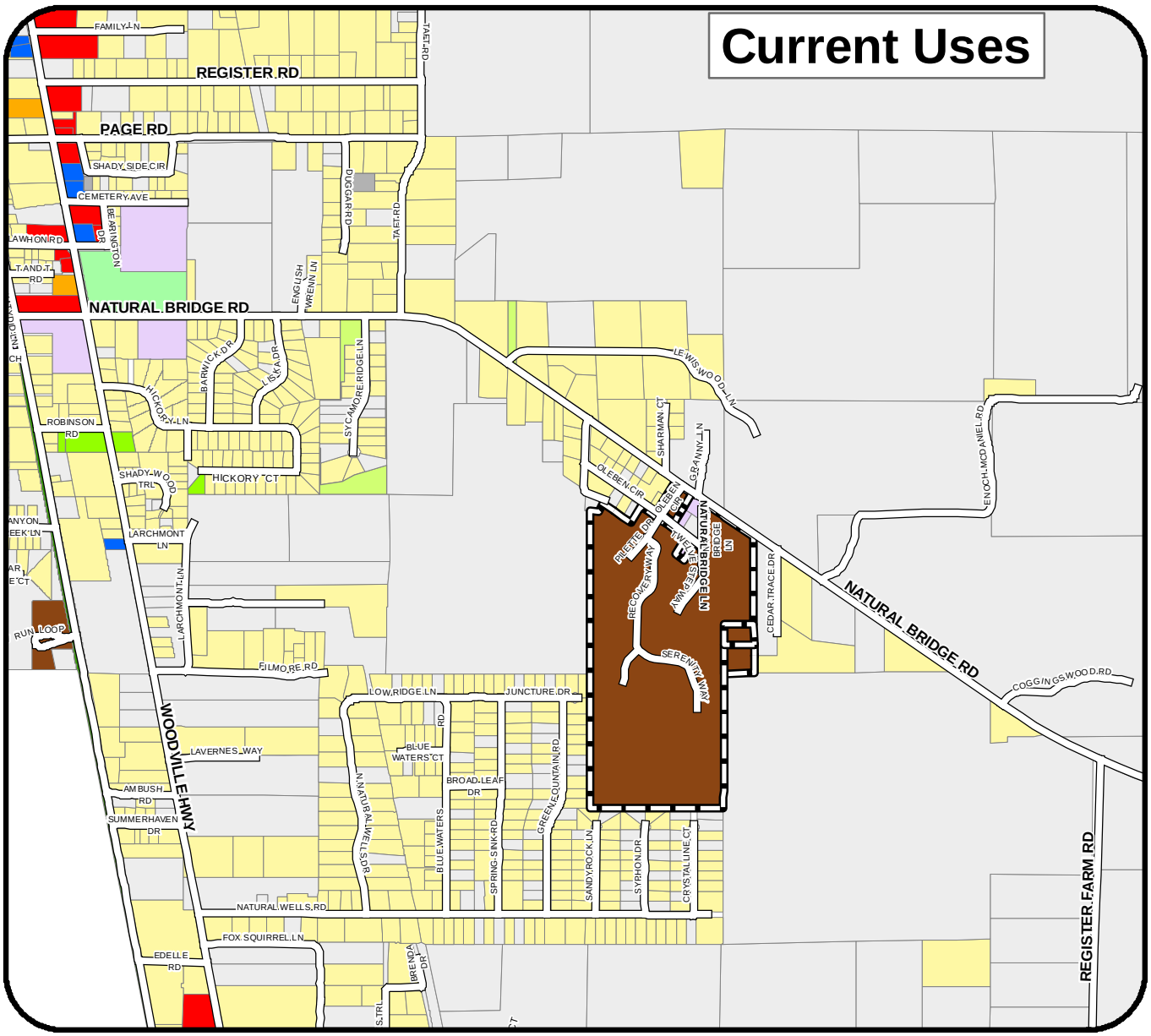


Legend

Slseg_20120612

Subject Parcel

Current Uses (Oct. 2012)

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

Woodville Rural Community Expansion

PCM130105

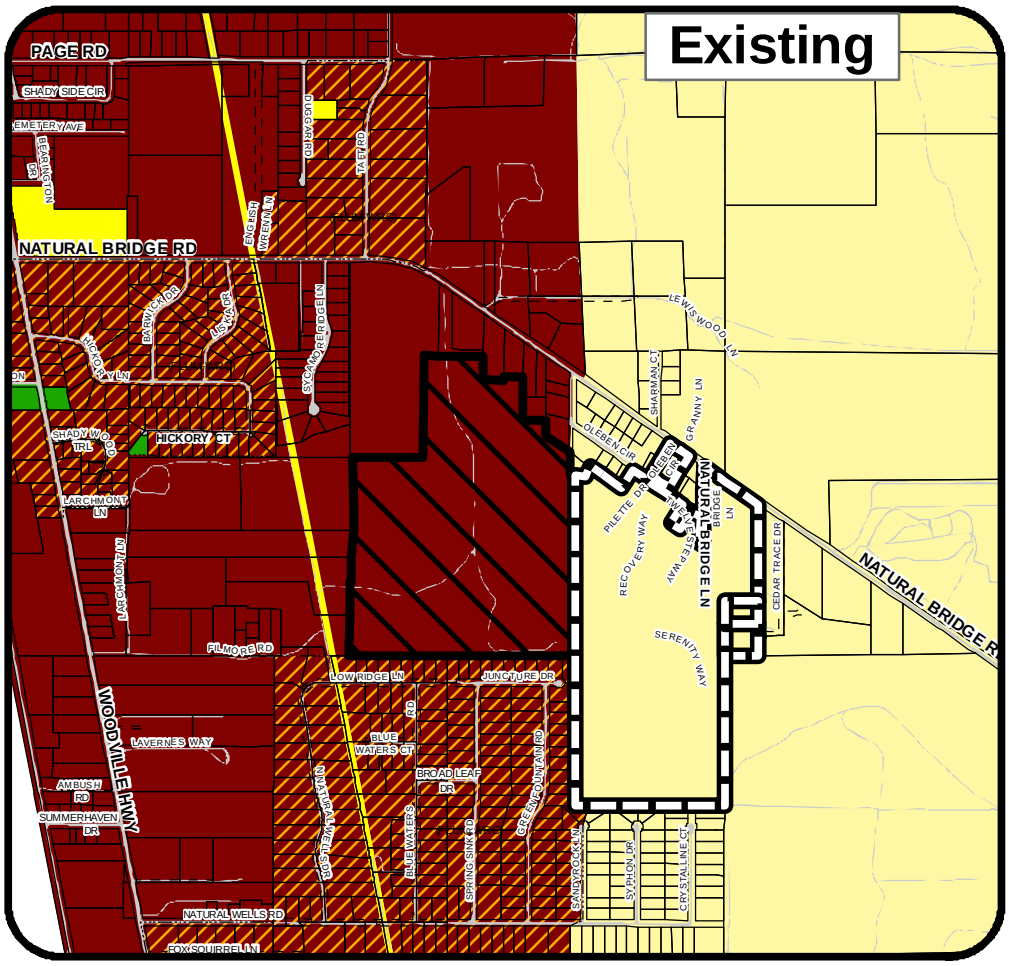
Disc Village

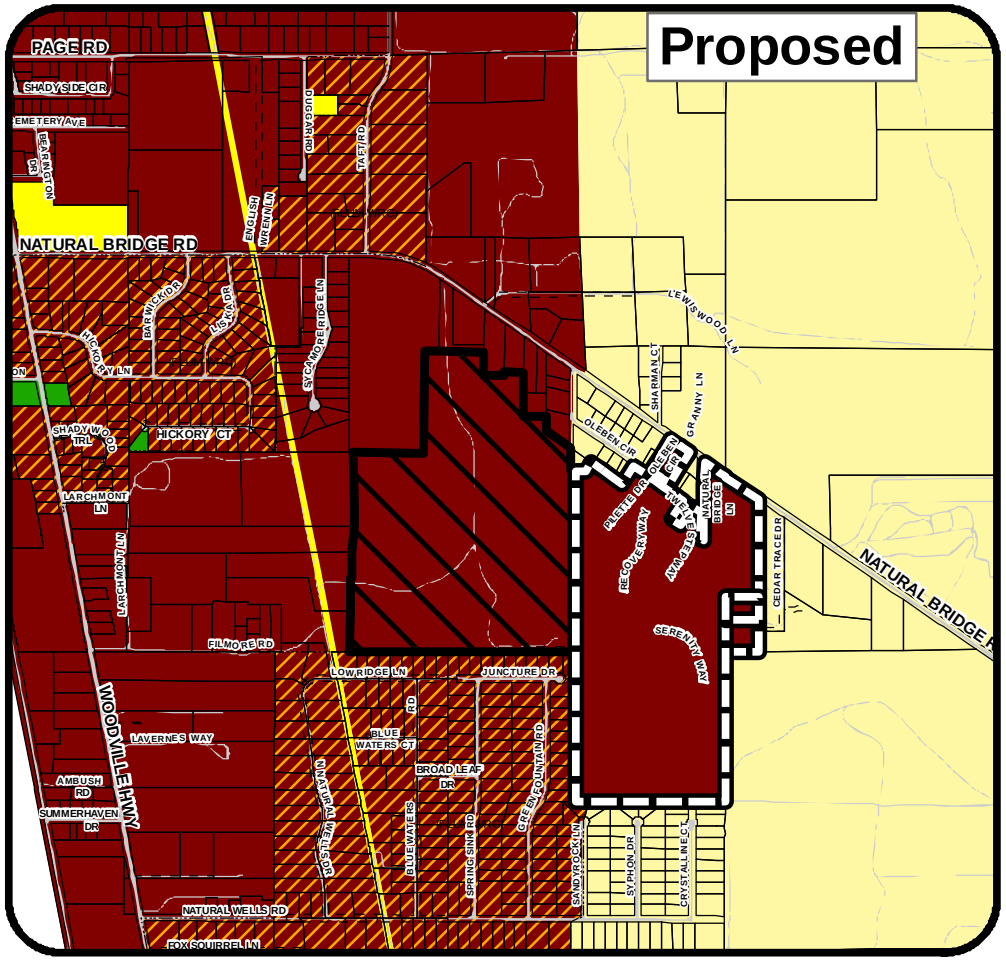
SITE TAX ID:
33-15-20-602-0000
33-15-20-603-0000
33-16-20-407-0000

ACRES: 98.04 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT

N W E S





Future Land Use

Legend

- Rural
- Woodville Rural Community
- Woodville RC with RP overlay

- Subject Parcel
- Owners Adjacent Parcel To be Included in a PUD with Subject Parcel

Woodville Rural Community Expansion

PCM130105

Disc Village

Existing
Rural

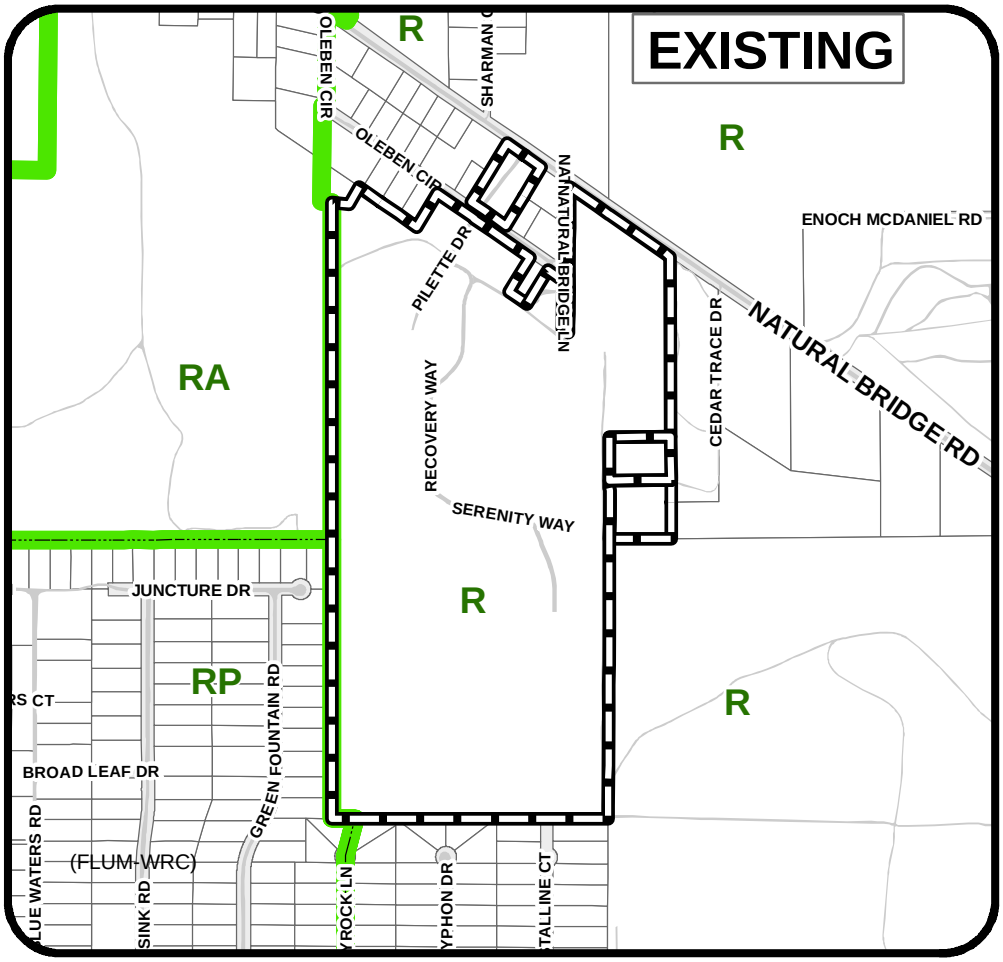
Proposed
Woodville Rural Community

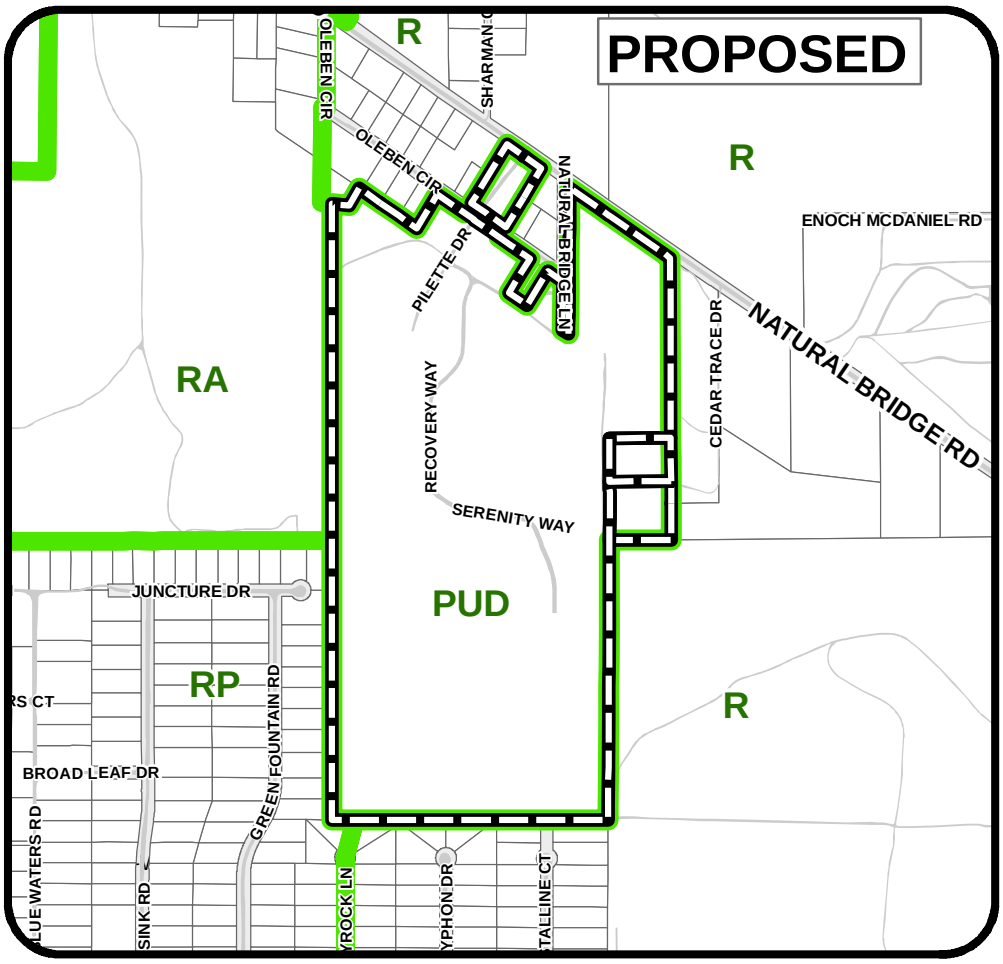
N W E S

SITE TAX ID:
33-15-20-602-0000
33-15-20-603-0000
33-16-20-407-0000

ACRES: 98.04 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT





ZONING

Legend

Subject Parcel

zoning

Woodville Rural Community Expansion

PCM130105

Disc Village

Existing

R
(Rural)

Proposed

PUD
(Planned Unit Development)

SITE TAX ID:
33-15-20-602-0000
33-15-20-603-0000
33-16-20-407-0000

ACRES: 98.04 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

MAP AMENDMENT: PCM130105

APPLICANT: Woodville Properties

TAX I.D. #: 33-15-20-407-000 (94.6 acres), 33-15-20-602-000 (1.5 acres), 33-15-20-603-000, (2 acres)

CITY __ COUNTY X

CURRENT DESIGNATION: Rural

REQUESTED DESIGNATION: Woodville Rural Community

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve proposed amendment PCM130105 subject to approval of a Planned Unit Development that:

1. **Limits the maximum allowed dwelling units to the maximum currently allowed for the combined site (estimated 416 residential units).**
2. **Requires Advanced Wastewater Treatment within a specified period of time.**
3. **Requires use of Low Impact Development design approach for all new development and redevelopment.**
4. **Addresses transportation concurrency**.

A. SUMMARY:

This is a request to change the Future Land Use Map designation from "Rural" to "Woodville Rural Community" for three contiguous, developed parcels with a combined area of 98 acres located on the south side of Natural Bridge Road approximately one and 1/3rd of a mile east of Woodville Highway.

The current Rural future land use category allows single-family housing up to one dwelling unit per ten acres, minimal commercial uses designed to service basic household needs of adjacent residents, and passive recreational land uses. The proposed Woodville Rural Community category allows non-residential development limited to a maximum of 50,000 square feet per building and 50,000 square feet per parcel. Residential development is limited to a density of four (4) dwelling units per acre. Residential densities of up to eight (8) dwelling units per acre may be allowed through the transfer of development units system as provided for in Policy 4.2.5 of the Conservation Element.

The applicant is simultaneously proposing a Planned Unit Development (PUD) for the subject properties and an additional adjacent 101.4 acres currently within the Woodville Rural Community under the same ownership as the subject parcels (see Attachment #1). A PUD is a unique zoning district intended to accommodate development proposals not provided for or allowed in the current established zoning districts. This proposed PUD will incorporate the combined 199.4 acres (consisting of five parcels), and will allow only the current, pre-amendment development rights to build an estimated maximum of 416 residential dwelling units.

The intent of the land use change and PUD is to convert over time the existing DISC Village into an independent and assisted living retirement community.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The existing DISC Village is a legal non-conforming use under its current Rural land use category. Eliminating this non-conformity will allow for further investment in the property and provide some flexibility for future use of the property.
2. The subject property, when combined with an adjacent parcel that would be incorporated into the PUD as proposed by the applicant, is within one and 1/3 mile of the area of Woodville that is built up with commercial land uses, and is designated as a growth node in the Regional Mobility Plan.
3. The applicant has applied for a PUD that would be limited to estimated maximum of 416 residential dwelling units within the combined 199.4 acres under common ownership as the DISC Village, as well as incorporate other requirements of Policy 4.2.5 of the Conservation Element. These requirements include, as applied to this proposed land use amendment and accompanying PUD, new development to connect to sewer facilities designed to achieve Advanced Wastewater Treatment standards; the use of Low Impact Development planning and practices, particularly as they apply to stormwater management; and no net increase in dwelling units within the Primary Springs Protection Zone (in which the subject property is located).
4. As part of the development of a PUD, the applicant will be required to specifically identify allowable land uses and their densities and intensities, and all specific impacts from this proposed development, the phasing of development and any required infrastructure or other mitigation, including transportation impacts, and any needed improvements or other options for wastewater treatment and disposal consistent with Policy 4.2.5.

C. APPLICANT'S REASON FOR THE AMENDMENT:

The applicant has stated that their purpose for requesting this land use change is to make the land use designation conform to the existing use of the property as the non-profit DISC Village. Another reason is to allow more flexibility for the reuse and redevelopment of the Village and a 101.4 acre parcel immediately west of the subject property (this adjacent property is currently within the Woodville Rural Community). The applicant is proposing the conversion of a portion of the existing facilities into a residential and nursing home facility for senior citizens with a mix of independent and assisted living facilities, including nursing services and extended congregate care facilities.

D. STAFF ANALYSIS

DISC Village is a non-profit community-based agency that has been in operation for nearly 40 years. It is one of the largest and most comprehensive prevention, intervention and treatment agencies in Florida. DISC Village provides delinquency and substance abuse prevention/ intervention programs in Leon County and North Florida.

Originally established as a Drug Information Service Center (DISC) on the grounds of Florida State University, DISC Village established in 1971 one of the state's first therapeutic communities for adolescents. This therapeutic community provides services for delinquent adolescent males and substance abusing adults on a residential services campus in Woodville, Florida. The Woodville Campus, approximately 15 miles south of Tallahassee, includes several program buildings, an educational/vocational facility, recreational building, sports areas and a ROPES course, community meeting space, central nursing center, and an administrative building. The campus serves as a location for both juvenile and adult residential programs. Clients may be voluntary or court-ordered to the programs on this campus.

The applicant has stated that the funding sources that have historically supported the DISC Village are declining over time. Therefore, in order to keep the facilities and land intact, it is necessary for the Village to change its focus and use. The market for personal services for a facility the size and type of the Village is in senior citizen residential-based care, which is a growing market nationwide. The proposed land use change and accompanying rezoning is intended to allow more flexibility for the reuse and redevelopment of the Village and a 99.6 acre parcel immediately west of the subject property into a residential and nursing home facility for senior citizens. The applicant is proposing to provide a mix of independent and assisted living facilities, including nursing services and extended congregate care facilities. This will include the conversion of one or more of the existing DISC Village buildings into facilities to serve the daily care needs of the anticipated resident population, and the construction over time of several hundred residential “cottages” for senior citizens who are able to and prefer to remain independent. A more reduced version of the present DISC Village would be relocated to the northeast portion of the subject property.

The requested zoning is a Planned Unit Development (PUD) for the subject property and the co-owned parcel to the west. The applicant proposes to work with the County’s Department of Development Support and Environmental Management to develop a PUD concurrent with the proposed land use amendment.

Existing FLUM & Zoning

The subject parcels are within the unincorporated area and have a current Future Land Use Map (FLUM) and zoning designation of Rural. This area is characterized by low-density residential housing and larger parcels utilized for silvicultural activities.

Rural/Agriculture (Rural[1]) Land Use

The Rural land use category is characterized by largely undeveloped acreage remotely located away from urbanized areas containing the majority of the County's present agricultural, forestry and grazing activities. These areas are intended to maintain and promote present and future agriculture land uses, and prohibit residential sprawl into remote areas lacking basic urban infrastructure services. They are not intended to be scheduled for urban activity during the Plan Horizon due to lack of present and/or scheduled urban infrastructure services.

The Rural FLUM designation is further characterized by very low residential density (1 unit per 10 acres) and minimal commercial uses designed to service basic household needs of adjacent residents, as well as passive recreational land uses. Industrial and

[1]Leon County refers to this category as "Rural" only.

ancillary commercial land uses associated directly with the timbering and/or agri-business are permitted.

Rural Zoning

The Rural zoning district includes undeveloped and non-intensively developed acreage remotely located away from urbanized areas. This district contains the majority of the county's present agricultural, forestry, and grazing activities.

Urban land use intensities are not anticipated during the time frame of the comprehensive plan, due to lack of urban infrastructure and services. Very low residential density (one unit per ten acres) and small scale commercial activities designed to service basic household needs of area residents are allowed, as well as passive recreational land uses. Industrial and ancillary commercial land uses directly associated with the timbering and/or agribusiness are permitted. This district is intended to maintain and promote present and future agricultural and silvicultural uses, and to prohibit residential sprawl into remote areas lacking basic urban infrastructure and services.

Proposed FLUM & Zoning

Woodville Rural Community Land Use

The primary intent of the Woodville Rural Community land use category is to protect this unique rural community through specific objectives and policies designed to address the issues unique to Woodville. Towards this goal, residential development is limited to a density of four (4) dwelling units per acre. However, residential densities of up to eight (8) dwelling units per acre may be allowed through the transfer of development units as provided for in Policy 4.2.5 of the Conservation Element.

Non-residential development is limited to a maximum of 50,000 square feet per building and 50,000 square feet per parcel.

Planned Unit Development Zoning

The planned unit development (PUD) zoning district is intended to provide a method by which proposals for a unique zoning district which are not provided for or allowed in the zoning districts otherwise established by the land development code may be evaluated.

In the County, the standards and procedures of this district are intended to promote flexibility of design and permit planned diversification and integration of uses and structures, while at the same time retaining in the Board of County Commissioners the absolute authority to establish such limitations and regulations as it deems necessary to protect the public health, safety, and general welfare.

As described in Section 10-6.696 of Leon County’s land development regulations, the PUD district is intended to:

(1) Promote more efficient and economic uses of land.
(2) Provide flexibility to meet changing needs, technologies, economics, and consumer preferences.
(3) Encourage uses of land which reduce transportation needs and which conserve energy and natural resources to the maximum extent possible.
(4) Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing landscape features and amenities.
(5) Provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly owned or publicly owned, than would otherwise be provided under a conventional zoning district.
(6) Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities.
(7) Permit the combining and coordinating of land uses, building types, and building relationships within a planned development, which otherwise would not be provided under a conventional zoning district.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features

The subject parcels are located within the Woodville Recharge drainage basin and the Primary Springs Protection Zone as mapped in the City and County Code. Approximately half of the subject area is forested, but it has been clear-cut in the past.

County environmentally sensitive area maps indicated the presence of several potential karst features on the southern half of the subject area, which is presently primarily undeveloped, but does include the 0.8 acre wastewater spray field for the existing facility. This karst potential is based on digital elevation modeling, and review by a licensed geologist is appropriate prior to any development in these areas. There are no other known environmentally sensitive features in the subject area.

2. Water/Sewer

The subject property is outside of the established Urban Services Area. However, according to the City of Tallahassee, adequate water service is available for the proposed land use and zoning categories.

DISC Village currently has an active permit issued by the Florida Department of Environmental Protection for an existing activated sludge wastewater treatment facility (WWTF) with reclaimed water reuse sent to a rapid rate land application system (sprayfield). The permit is for a 0.030 million gallon per day (MGD) annual average daily flow. The residual materials are transported to the City of Tallahassee's T.P. Smith WWTF for disposal.

3. Other

Roads

Natural Bridge Road is a major collector. The applicant has provided a preliminary traffic impact analysis as part of the land use amendment application. This analysis acknowledges that, based on the maximum development potential allowed by the requested land use

change, it is anticipated that the proposed land use designation of Woodville Rural Community will have some level of impact on the local transportation network, including Natural Bridge Road.

A more precise accounting of these impacts will depend on the number and type of residential or other units, access points, and any additional development or redevelopment. This accounting is normally analyzed in detail at the site plan level prior to the issuance of any development permits, but, given the unique nature of the proposed development and the desire of the applicant to create a PUD, it will be more useful to analyze the transportation impacts at this level.

Policy 1.2.2 of the Capital Improvements Element requires that future development shall pay for its proportional share of the capital improvements needed to address the impact of such development. If deficiencies are anticipated, local government may use a "significant benefit" approach to assess proportionate fair-share mitigation in order to schedule improvements addressing the identified deficiency(ies) on the impacted facility(ies) to meet the requirements for financial feasibility. Future development on the subject site can mitigate under this policy by paying its proportional share of any needed improvements to provide sufficient capacity into the Significant Benefits account for this area of the County.

Transit Availability

StarMetro does not provide bus service south of Capital Circle South.

Bicycle/Pedestrian Facilities Availability

No sidewalks or bicycle facilities currently exist along Natural Bridge Road east of Woodville Highway. Bicycle lanes have been proposed by the Capital Regional Transportation Planning Agency along Natural Bridge Road from Woodville Highway to Taff Road, as well as paved shoulders from Taff Road east to Old Plank Road, but to date no funding has been identified for either of these projects.

4. Schools

The site is zoned for Woodville Elementary School, Nims Middle School, and Rickards High School. The potential impact on available public school capacity is indicated in the following table:

School Name	**Woodville Elementary**	**Nims Middle**	**Rickards High**
Potential Students Generated	0	0	0
Present Capacity	0	0	0
Post Development Capacity	0	0	0

Preliminary calculations are provided by School Board staff based on the maximum residential development allowed under the requested future land use category. Because the proposed development on the subject site will be limited to residents 55 or older, it is anticipated that there will be no students generated as a result of this land use amendment.

Final school concurrency calculations will be conducted during the development of a PUD for the subject property and an adjoining parcel, and when a site plan for proposed development is submitted.

5. 5-Year Capital Improvements Projects

None.

F. VESTED / EXEMPT STATUS:

Not applicable.

G. PLANNING ISSUES

Wastewater Treatment

Policy 4.2.5 of the Conservation Element (Attachment #2) addresses protection of Wakulla Springs by requiring the establishment of a mapped Primary Spring Protection Zone (PSPZ) for Wakulla Springs that is based on the Leon County Aquifer Vulnerability Assessment (LAVA). Subsection 1 of this policy requires that the preferred method of wastewater treatment in the PSPZ within the Woodville Rural Community and the Urban Services Area shall be connection to sewer facilities designed to achieve Advanced Wastewater Treatment standards. The subject property is presently serviced by an existing activated sludge wastewater treatment facility with reclaimed water reuse sent to a rapid rate land application system (sprayfield). The permit is for a 0.030 million gallon per day (MGD) annual average daily flow.

If this WWTF facility is intended to be utilized by the redevelopment of the subject property, its present capacity will need to be expanded to treat the anticipated 300-400 residential units being planned. In addition, this facility at present is required to meet state drinking water quality standards for total nitrogen (10mg/L) in the effluent released to the sprayfield. Given the eventual 3.0 mg/L water quality standard for total nitrogen that the City of Tallahassee is required by its state permit to achieve for its sprayfield north of the subject property, and the location of the subject property within the PSPZ, the DISC Village WWTF should be required to meet similar advanced wastewater treatment standards as a condition of the applicant receiving the requested land use change in order to be consistent with Policy 4.2.5.

In addition, this policy requires new development and redevelopment in the PSPZ to use a Low Impact Development (LID) approach to minimize adverse impacts of development on water quality and Wakulla Springs. The development and redevelopment of the subject property should use LID design principles to the maximum extent possible as a condition of the applicant receiving the requested land use change in order to be consistent with Policy 4.2.5.

Transportation

The applicant has conducted a preliminary traffic impact analysis that indicates potential impacts on the local transportation system from an increase in automotive trips resulting from the proposed land use amendment. This analysis was submitted as part of the land use amendment application.

At a public meeting held by the applicant at the Woodville Elementary School on November 28, 2012, there were several concerns voiced by members of the public about transportation impacts from the redevelopment of the DISC Village. These issues included speeding and the number of

potential trips this proposed development would create. Other similar concerns were expressed to the Planning Department through several letters and telephone calls.

The applicant stated in their preliminary traffic impact analysis that the proposed use of the property as a senior assisted living facility and nursing home would not generate the number of trips estimated by standard professional manuals for a development of this kind, and that the number of trips would be substantially lower than initially calculated. No other materials were provided in the application to substantiate this claim.

Based on public concerns, the lack of specificity as to exactly what is proposed, where it would be located, and the timing of its development, as well as the lack of sidewalks and traffic lights in the Woodville area, it is recommended that the applicant conduct a more formal traffic study as part of the requested PUD as a condition of the applicant receiving the requested land use change. The Concurrency Management Section of DSEM further recommends that the proposed traffic study be consistent with the Leon County Concurrency Management Policies and Procedures Manual, 2006, or as may be amended from time to time.

Allowable Residential Density

At present, the total number of allowable dwelling units within the subject property is 11. If the proposed land use amendment is approved, the current number of allowed dwelling units in the subject property would increase from 11 to 390. The number of allowed dwelling units in the two adjacent parcels in the Woodville Rural Community area that will be incorporated into the PUD is 379.

The total of currently allowed dwelling units for the five parcels together is 390. If the proposed land use amendment is approved and these parcels are incorporated into the proposed PUD, the total number of allowed dwelling units for the five parcels together would be 769.

Policy 4.2.5 of the Conservation Element prohibits any net increase in dwelling units in the PSPZ as allowed by the Future Land Use Map on April 10, 2009. Parcels for which an increase in allowable dwelling units is requested (from a land use or zoning change) must transfer an existing equivalent number of development rights from another area within the PSPZ so that no net increase in allowable residential units can occur.

If the land use amendment is approved, the number of allowed dwelling units in the five parcels would result in a net increase in the number of legally allowed dwelling units within the PSPZ by 379 units. In order for this to occur, the development rights for the estimated 416 residential dwelling units would have to be transferred from other areas in the PSPZ to be consistent with Policy 4.2.5. In order to avoid doing this, the applicant has proposed a PUD that would cap the allowable number of dwelling units to that currently allowed (an estimated 416 residential dwelling units). The table below indicates the acreage, units per acre, and total estimated residential units for this area.

Tax ID	Acreage[2]	Current Allowable Density (Residential Units/Acre)	Current Number Of Units Allowed (Residential Units/Acre)	New Allowable Density (Residential Units/Acre)	New Number of Units Allowed (Residential Units/Acre)
Subject Parcels					
3316204070000	94.6	1/10	9	4/1	378
3315206020000	1.5	1/10	1	4/1	5
3315206030000	2.0	1/10	1	4/1	8
total	98.0		11		390
Additional Parcels to be Incorporated Into PUD					
3316204020000	99.6	4/1	398	4/1	398
3316200020000	1.8	4/1	7	4/1	7
total	101.4		405		405
Grand Total	**199.4**		**416**		**795**

Limiting the total allowed dwelling units in the PUD to those currently allowed would result in an estimated 416 residential dwelling units spread across the combined 199.4 acres presently under common ownership as the DISC Village. If the proposed land use amendment is approved and the number of dwelling units capped to 416, the land use change with the PUD in place would be consistent with Section 4 (c) of Policy 4.2.5 [C].

Allowable Non-residential Uses

The allowed square footage of non-residential uses within the Woodville Rural Community land use category is limited to a maximum of 50,000 square feet per building and 50,000 square feet per parcel. If the land use designation of the subject property (comprising three parcels) is allowed to be changed to the requested category, the applicant would be entitled to a maximum of 150,000 square feet.

At present, there are approximately 85,000 square feet of existing non-residential development on the subject property. If the land use change occurs, the applicant would gain an additional 65,000 square feet of non-residential development rights.

There are two parcels already designated Woodville Rural Community that the applicant intends to include in the PUD. If added to the three parcels that comprise the subject property, if the PUD is assembled, the applicant would have a maximum allowed 250,000 square feet of non-residential development rights (a net gain of 165,000 square feet, given the existing 85,000 square feet on the subject property). The following table summarizes the existing and proposed non-residential uses.

[2] From Property Appraiser's Legal Description.

Tax ID	Current Allowable Non-Residential Use (Square Feet)	Proposed Allowable Non-Residential Use (Square Feet)
Subject Parcels		
3316204070000	0	50,000
3315206020000	0	50,000
3315206030000	0	50,000
total		**150,000**
Additional Parcels to be Incorporated Into PUD		
3316204020000	50,000	50,000
3316200020000	50,000	50,000
total	**100,000**	**100,000**
Grand Total		**250,000**

The specific uses and maximum square footage allowed will be established within the PUD.

Local Government Priorities

The Leon County Board of County Commissioners' FY 2012 & FY 2013 Strategic Plan includes several strategic priorities and corresponding initiatives designed to implement these priorities. One of the initiatives under the Environmental strategic priority includes developing and implementing strategies which plan for environmentally sound growth in the Woodville Rural Community. These strategies that this proposed amendment may be consistent with include:

(1) Bring central sewer to Woodville consistent with the Water and Sewer Master Plan, including consideration for funding through Sales Tax Extension; and

(2) Promote concentrated commercial development in Woodville.

The provision of sanitary sewer as part of the proposed conversion and expansion of the DISC Village, while not connected with the City's existing centralized sanitary sewer system, nevertheless will provide a similar level and scope of wastewater treatment in an area that is serviced at present by onsite sewer treatment and disposal systems (OSTDS). It is also possible that this system could be connected to a more centralized sewer system in the future, which would reduce the number of conversions from OSTDS to centralized wastewater treatment.

The increased number of residential units, including those oriented towards a senior citizen population that may not choose or cannot drive to Tallahassee to shop, eat, and take advantage of other commercial services, may also help promote additional commercial development in Woodville.

Regional Mobility Plan

A significant component of the Capital Regional Transportation Planning Agency's Regional Mobility Plan (RMP) is the selection of a "preferred growth scenario" that will affect growth patterns and the nature of transportation infrastructure investment over the coming decades. The

CRTPA Board selected Scenario #3, termed "Quality Growth Plus." This scenario is intended to promote infill development, optimize current transportation infrastructure, and focus growth in concentrated areas.

Implementation of this scenario is intended to lead to a regional urban structure that consists of a primary core (the Tallahassee multi-modal transportation district) and a series of outlying nodes that represent smaller urban centers in Gadsden, Jefferson, Leon, and Wakulla counties. The Woodville Rural Community is one of these nodes.

The nodes are intended, among other objectives, to foster access to goods and services, provide interconnectivity, including regional connectivity to employment, education, and activity centers, and to utilize multiple modes of transportation.

H. CONCLUSION:

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

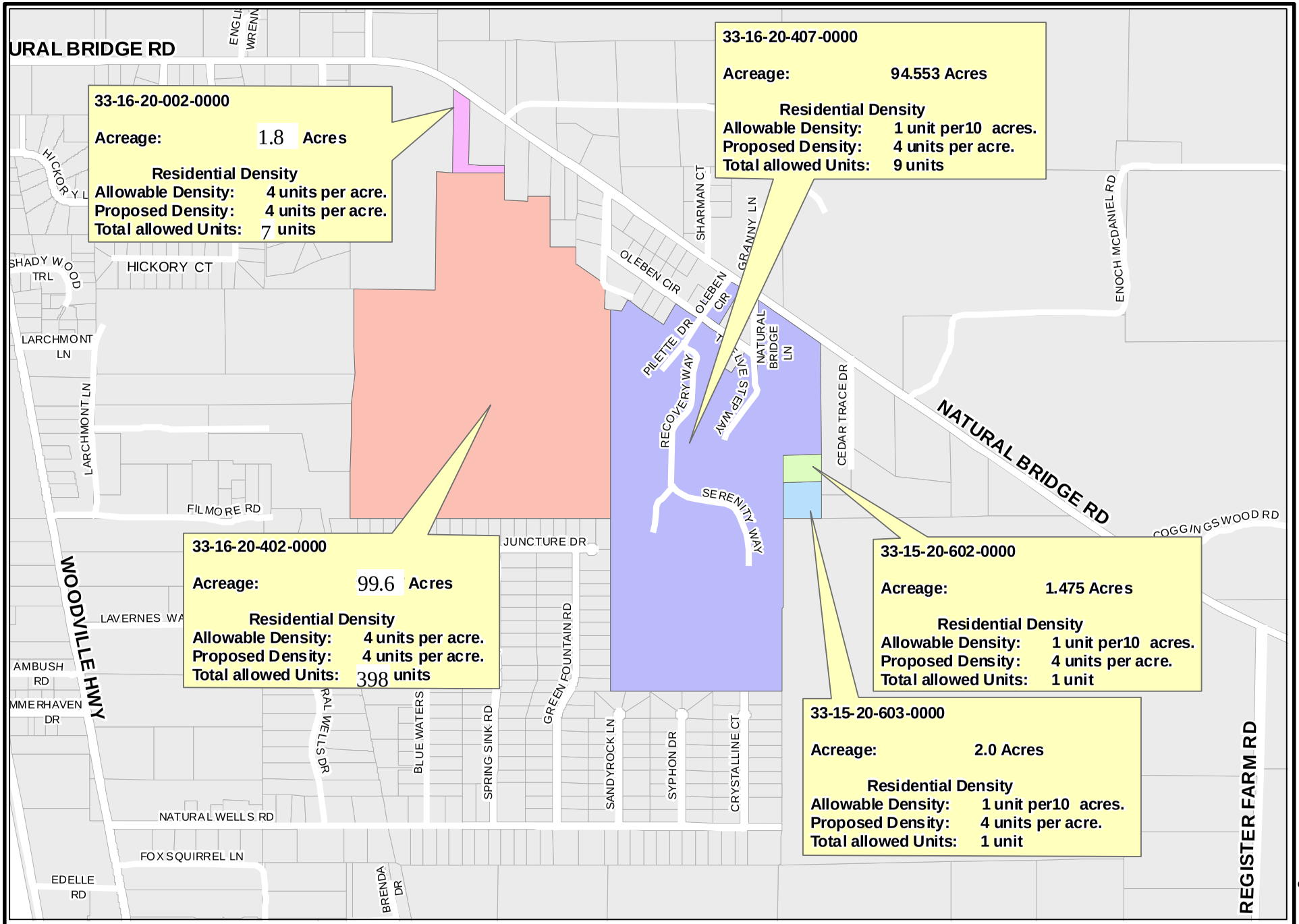
1. The existing DISC Village is a legal non-conforming use under its current Rural land use category. Eliminating this non-conformity will allow for further investment in the property and provide some flexibility for future use of the property.
2. The subject property, when combined with an adjacent parcel that would be incorporated into the PUD as proposed by the applicant, is within one and 1/3 mile of the area of Woodville that is built up with commercial land uses, and is designated as a growth node in the Regional Mobility Plan.
3. The applicant has applied for a PUD that would be limited to an estimated 416 residential dwelling units within the combined 199.4 acres under common ownership as the DISC Village, as well as incorporate other requirements of Policy 4.2.5 of the Conservation Element. These requirements include, as applied to this proposed land use amendment and accompanying PUD, new development to connect to sewer facilities designed to achieve Advanced Wastewater Treatment standards; the use of Low Impact Development planning and practices, particularly as they apply to stormwater management; and no net increase in dwelling units within the Primary Springs Protection Zone (in which the subject property is located).
4. As part of the development of a PUD, the applicant will be required to specifically identify allowable land uses and their densities and intensities, and all specific impacts from this proposed development, the phasing of development and any required infrastructure or other mitigation, including transportation impacts, and any needed improvements or other options for wastewater treatment and disposal consistent with Policy 4.2.5.

Based on this analysis and its conclusions, Planning Department staff recommends the approval of the proposed amendment PCM130105 subject to the approval of a Planned Unit Development that:

1. Limits the maximum allowed dwelling units to an estimated 416 residential dwelling units for the combined site,
2. Requires Advanced Wastewater Treatment within a specified period of time,
3. Requires use of Low Impact Development design approach for all new development and redevelopment,
4. Addresses transportation concurrency.

I. ATTACHMENTS:

Attachment #1: Location of Proposed PUD, Acreage, and Existing and Allowable Densities
Attachment #2: Policy 4.2.5 of the Conservation Element



PCM 130105
Residential Densities

TALLAHASSEE - LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

N W E S

Date Printed: Dec. 10, 2012

Policy 4.2.5: [C] (*Effective 4/10/09; Revision Effective 12/15/11*)

By 2010, local government shall adopt in the Land Development Regulations a mapped Primary Spring Protection Zone (PSPZ) for Wakulla Springs based on the Leon County Aquifer Vulnerability Assessment (LAVA). Land development regulations shall be adopted to establish additional requirements and regulations within the PSPZ to minimize the adverse impacts of development on groundwater recharge quality and quantity. At a minimum, local government shall address the items below:

1. The preferred method of wastewater treatment in the PSPZ within the Woodville Rural Community and the USA shall be connection to sewer facilities designed to achieve Advanced Wastewater Treatment standards. Land development regulations and the Water and Sewer Agreement shall be amended to include enhanced requirements for new development and redevelopment to connect to Advanced Wastewater Treatment facilities. The costs of required sewer connections in the PSPZ shall be borne in part or in whole by the developer.
2. When connection to sewer facilities designed to achieve Advanced Wastewater Treatment standards is not available, new development and redevelopment in the PSPZ shall use Performance Based On-Site Treatment Disposal Systems (OSTDS) as defined in Policy 1.2.6: [SS]. Existing traditional OSTDS shall be upgraded to Performance Based OSTDS when the traditional OSTDS fails, as defined in the Florida Administrative Code. A process providing alternatives to upgrading to a Performance Based OSTDS at the time of traditional OSTDS failure may be developed for low-income households. To ensure that all existing traditional OSTDS and new Performance Based OSTDS function effectively, local government shall designate or institute a Responsible Management Entity and supporting fee structure.
3. New development and redevelopment in the PSPZ shall use a Low Impact Development approach, in addition to conventional water quality treatment infrastructure required outside the PSPZ, to minimize adverse impacts of development on water quality and Wakulla Springs. Land development regulations shall specify the mechanism for implementing the Low Impact Development planning and design approach.
4. Establish a transfer of development units system within the PSPZ to foster growth in Woodville Rural Community, increase the feasibility of providing centralized sewer service, and protect Wakulla Springs. The transfer of development units system shall be based on the policies below:

    (A) The Rural and Urban Fringe Future Land Use Map categories inside the PSPZ shall be designated as the sending areas to transfer dwelling units out of. Expansion of the Urban Fringe Future Land Use Map category shall not be allowed in the PSPZ.

    (B) Areas inside the Woodville Rural Community Future Land Use Map category, where connection to sewer facilities designed to achieve Wastewater Treatment standards is available and required, shall be designated to receive dwelling units.

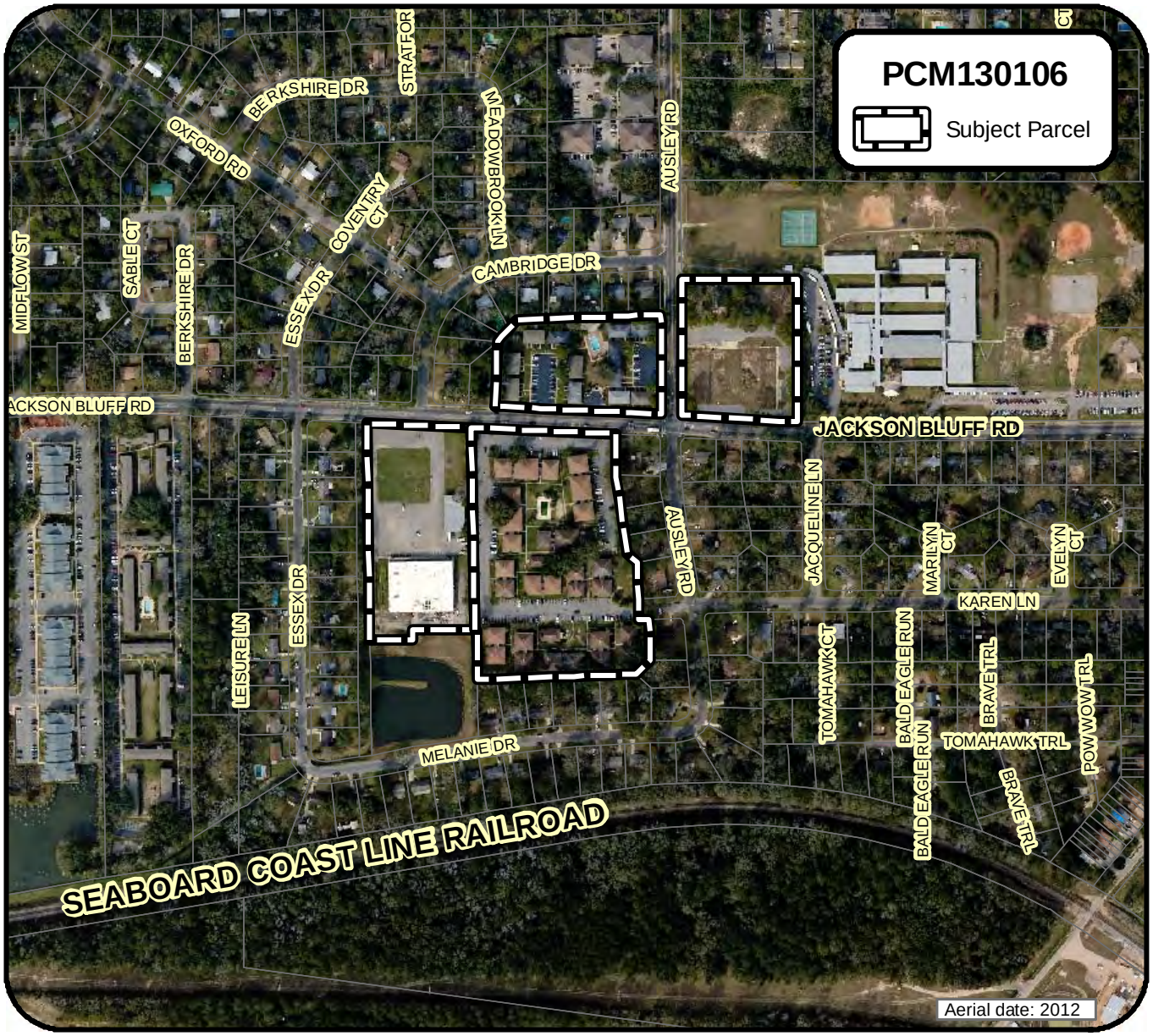
    (C) No net increase in dwelling units, as allowed by the Future Land Use Map on the effective date of this policy, shall be allowed in the PSPZ. Areas inside the USA are

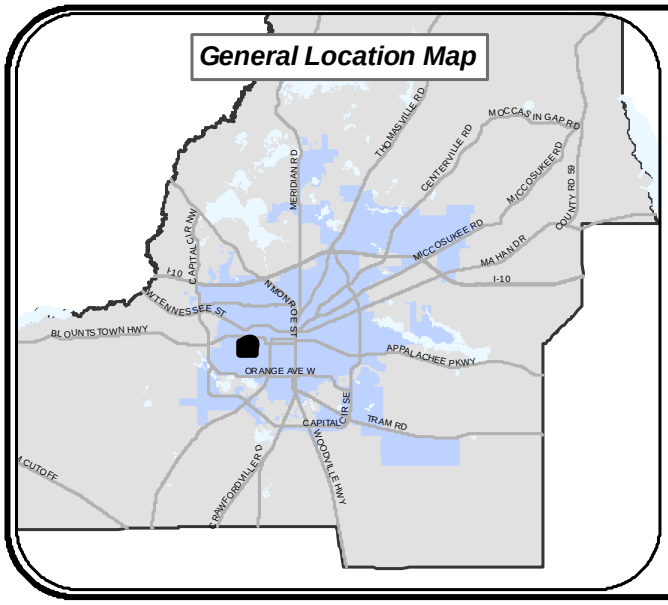
exempt from this policy and may increase in allowed density when consistent with applicable Comprehensive Plan policies. Approval of a Future Land Use Map amendment outside the USA that would allow an increased number of dwelling units shall require appropriate documentation that rights to the number of increased dwelling units have been, or are committed by a legally binding agreement to be, acquired from the designated sending areas.

5. Restrict fertilizer content and application rates within the PSPZ.
6. Protection of environmentally sensitive areas and features within the PSPZ shall be a priority for the local government environmental land acquisition program.

ATTACHMENT #14

Staff Report PCM130106





Jackson Bluff and Ausley Street PCM130106

Carolyn Bibler

SITE TAX IDs:
21-34-20-402-0000
21-34-20-627-0000
41-03-20-201-0000
41-03-20-240-0000

ACRES: 16.42±

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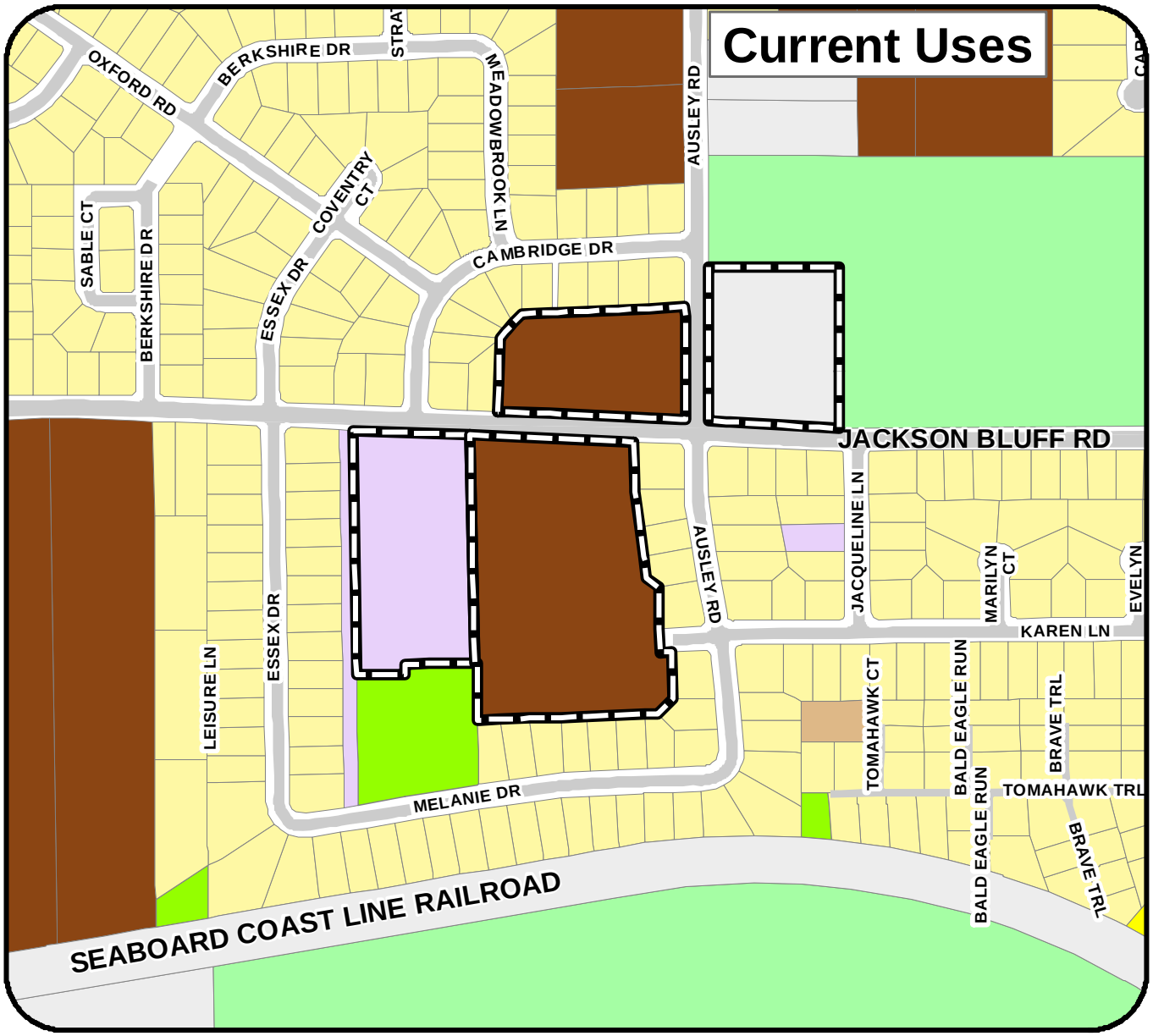
TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT



Legend

Subject Parcel

Current Uses (Oct. 2012)

- Single Family Detached/Mobile Home
- Two-Family Dwelling
- Multi-Family
- School
- Open Space Common Areas
- Open Space Resource Protection
- Religious/Non-profit
- Vacant

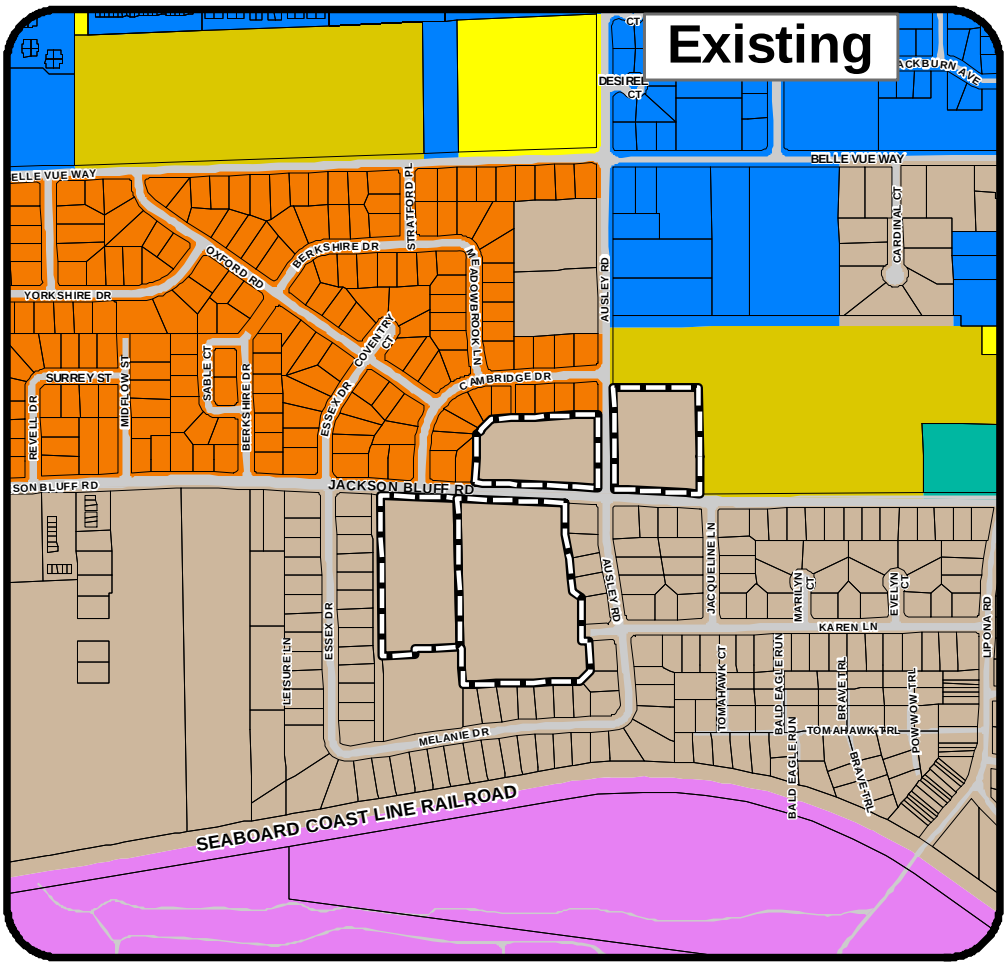
Jackson Bluff and Ausley Street PCM130106

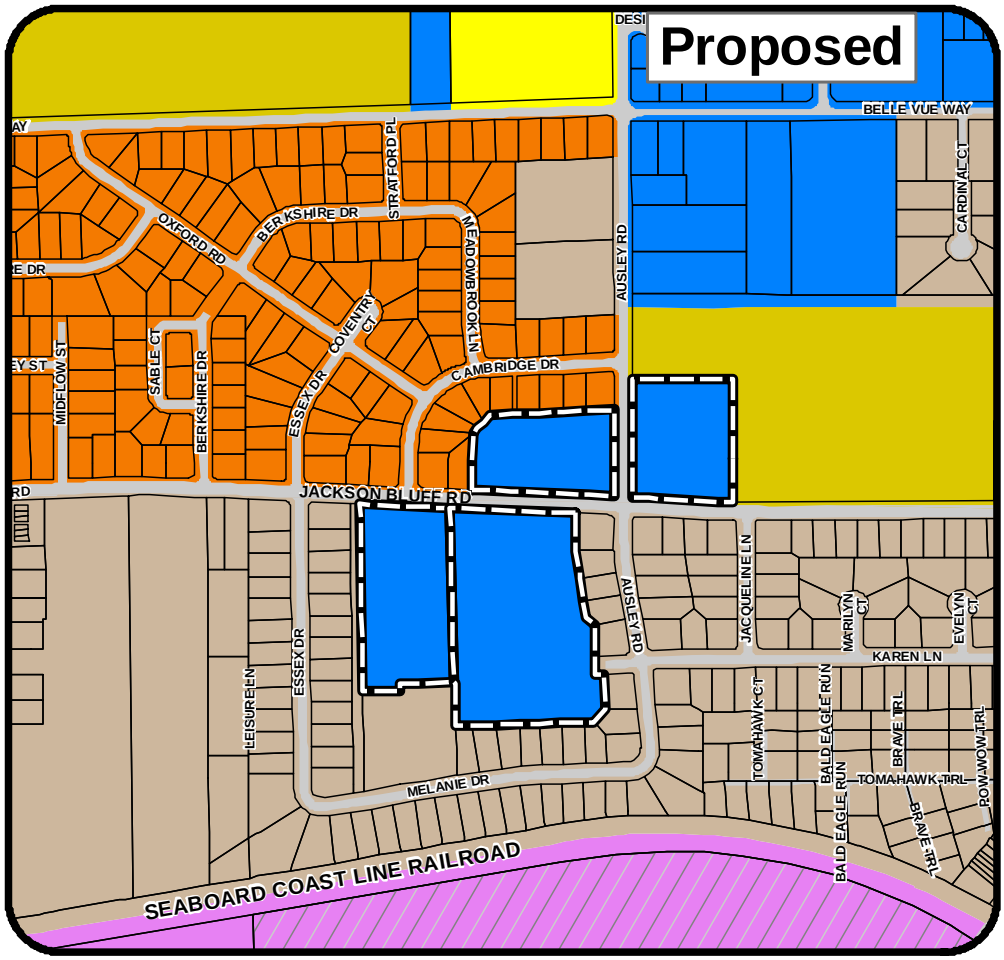
Carolyn Bibler

SITE TAX IDs:
21-34-20-402-0000
21-34-20-627-0000
41-03-20-201-0000
41-03-20-240-0000

ACRES: 16.42 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT





Future Land Use

Legend

- Educational Facilities
- Residential Preservation
- University Transition
- Suburban
- Urban Residential 2

Subject Parcel

Jackson Bluff and Ausley Street PCM130106

Carolyn Bibler

Existing

Urban Residential-2

Proposed

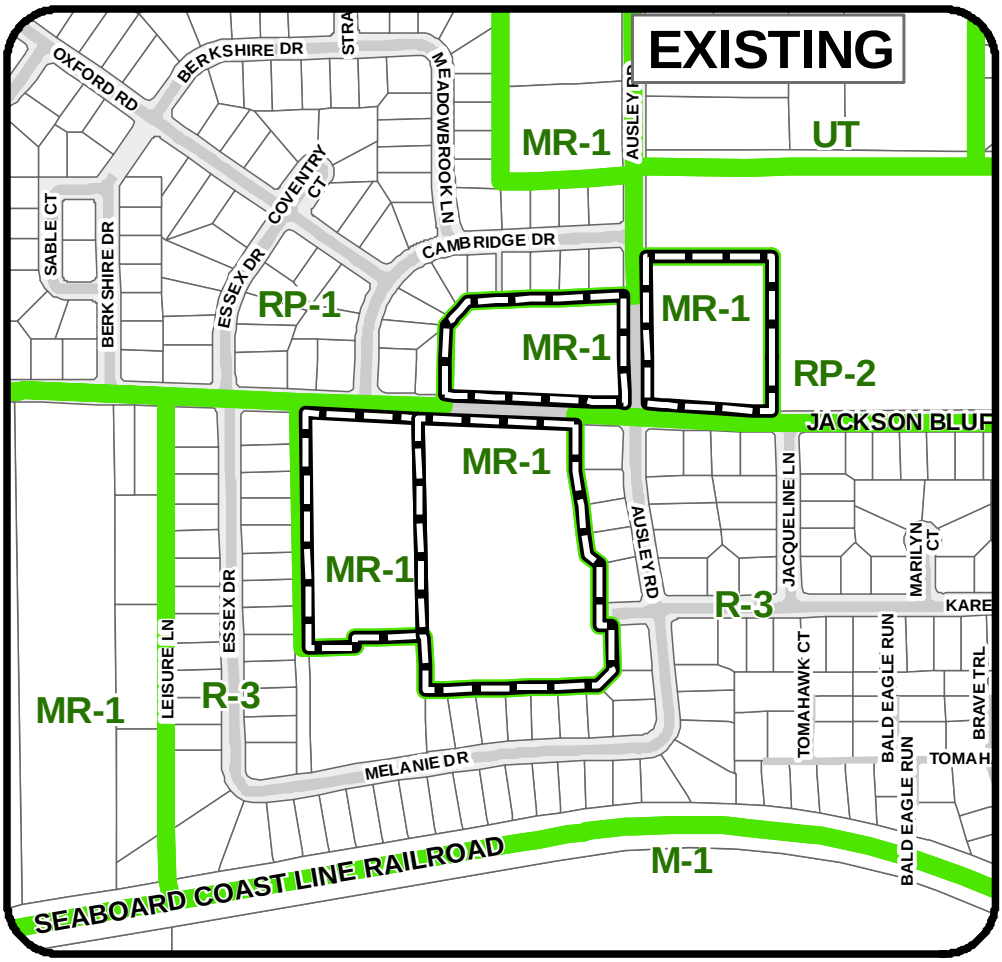
University Transition

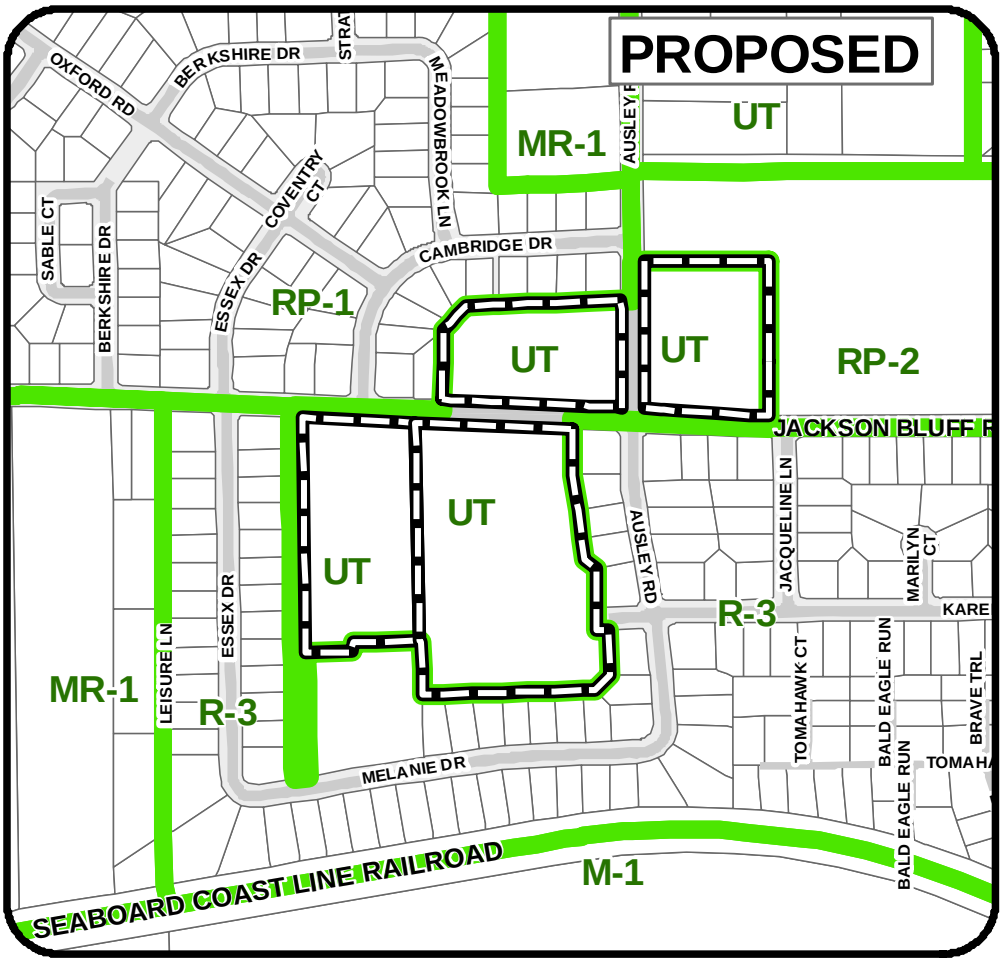
N W E S

SITE TAX IDs:
21-34-20-402-0000
21-34-20-627-0000
41-03-20-201-0000
41-03-20-240-0000

ACRES: 16.42 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT





ZONING

Legend

Subject Parcel

zoning

Jackson Bluff and Ausley Street PCM130106

Carolyn Bibler

Existing

MR-1
(Medium Density Residential

Proposed

UT
(University Transition)

SITE TAX IDs:
21-34-20-402-0000
21-34-20-627-0000
41-03-20-201-0000
41-03-20-240-0000

ACRES: 16.42 ±

TALLAHASSEE LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

MAP AMENDMENT #: PCM130106

APPLICANT: Carolyn Bibler, Bibler Design Development

TAX I.D. # s: 41-03-20-201-0000, 41-03-20-240-0000, 21-34-20-402-0000, 21-34-20-627-0000 (±16.42 acres)

CITY __X__ COUNTY __

CURRENT DESIGNATION: Urban Residential -2 (UR-2)

REQUESTED DESIGNATION: University Transition (UT)

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM130106

A. SUMMARY:

This is a request to change the Future Land Use Map (FLUM) designation of four parcels from "Urban Residential-2 (UR-2)" to the "University Transition (UT)" category. The four parcels are located near the intersection of Jackson Bluff and Ausley Road and total 16.42 acres. The existing Urban Residential -2 category allows a variety of housing types ranging from 4 to 20 dwelling units per acre. The proposed University Transition allows higher density housing up to 50 dwelling units per acre and non-residential land uses typically required by students and the universities. The applicant would like to redevelop the node at Jackson Bluff and Ausley Road with small scale commercial intermixed with higher density housing to support it. The neighborhood scale commercial development would serve new development and existing residential neighborhoods in the area. In conjunction with the map amendment, the applicant is requesting a zoning change from Medium Density Residential (MR-1) to University Transition (UT). A rezoning application has been filed concurrent with this map amendment request.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed amendment would further a number of strategies and recommendations from the West Pensacola Sector Plan for the Jackson Bluff Road area. All four parcels in this amendment front on Jackson Bluff Road. The Sector Plan recommended that Jackson Bluff remain a walkable/pedestrian friendly road with a mixture of housing types and uses and that higher intensities be allowed for existing retail and multi-family areas. The Plan also recommended that if additional development was approved it should be compatible with existing single-family housing and utilize urban design techniques.

2. The subject parcels are located in the Mobility District, which promotes the use of alternative transportation. Approval of this amendment would further the goals of the Mobility District and the transportation strategies of the West Pensacola Sector Plan by promoting mixed use development and higher densities and intensities, a prerequisite for successful implementation of mass transit and other alternative modes of transportation.

3. The subject parcels are within what could be a future urban node providing limited scale commercial/retail uses for nearby residents. Such nodes can be characterized by a mix of higher intensity services and uses, more dense housing choices, easy access to mass transit, and increased walkability made possible by an interconnected sidewalk system.

4. The proposed amendment is not anticipated to have adverse effects on public facilities.

C. APPLICANT'S REASON FOR THE AMENDMENT:

See Attachment I.

D. STAFF ANALYSIS:

The proposed amendment consists of 4 parcels totaling 16.42 acres. Two of the parcels are developed with apartment complexes, one with a thrift store (formerly the Winn-Dixie site), and the fourth parcel is a vacant site (formerly a daycare center/classroom portable site). Land uses in the vicinity of the amendment include single family residences, multi-family dwelling units, and the School for Arts & Innovative Learning (SAIL) High School.

In determining whether the subject site should remain in the Urban Residential - 2 land use category or be changed to the University Transition category several issues should be considered, including: 1) the intent of each of the land use categories as they relate to the subject site and surrounding area; 2) the effects the proposed change could have on the character of the area; 3) an evaluation of the applicant's reason for the amendment in context of the Comprehensive Plan; and 4) the availability of infrastructure.

1. Review of the Site Relative to the Intent of the Future Land Use Categories

Land Use Policy 2.2.24 establishes the Urban Residential- 2 land use category. The primary intent of the category is to promote a wide range of housing types and densities (4-20 dwelling units per acre) to encourage urban infill development and the efficient use of infrastructure. This category may also serve as a transition between low density residential land use categories and more intense development. Office, retail and commercial uses are not permitted in this category.

Land Use Policy 2.2.17 establishes the University Transition land use category. This category is intended to be a compact land use category that provides higher density residential opportunities (50 dwellings units per acre) near the campuses, serving both to provide opportunities for student housing near the universities and to protect existing

residential neighborhoods located away from the universities from student housing encroachment. In order to achieve this, the category may only be applied to lands generally within the polygon created by Florida State University's main campus and Florida A & M University, Tallahassee Community College/Lively Technical Institute campuses and Innovation Park. It is intended to transition from present industrial and lower density residential land uses to those more compatible with vibrant urban areas. Under this category, retail commercial, limited to a smaller scale classification to provide essential services to immediate residents and ancillary needs of universities may be permitted, as well as restaurants, movie theaters, and other entertainment commercial uses. The proposed amendment meets the locational criteria for the University Transition category.

2. Effects of the proposed change on character of the area

The subject site is located in an urbanized area, comprised of a mixture of student rental housing, large apartment complexes, and older neighborhoods. Most of the housing stock is geared toward student use. All four parcels of the amendment front on Jackson Bluff Road, with two parcels having dual frontage on Ausely Road. Both roads are classified as major collectors and all four parcels lie within 1000 feet of the intersection of these two corridors. The West Pensacola Sector Plan identified the corridors as having underutilized parcels that over time would be converted to uses in keeping with the surrounding university influences. In addition, recommendations from the public directed high intensity/density development to the major transportation corridors, while encouraging mixed uses, pedestrian oriented development and good urban design. For the Jackson Bluff Road area, the public recommended that it remain a walkable/pedestrian friendly road with a mixture of housing types and uses and that existing retail and multi-family areas be allowed to redeveloped with greater intensities/densities. They also recommended that if additional development was approved it should be compatible with the existing single-family housing and utilize urban design techniques. The goal was to create projects that resulted in a mixture of land uses, encouraged walkability and supported other modes of transportation.

In addition to the recommendations pertaining to retail and existing multi-family areas, the Sector Plan also provided recommendations for the single family residential neighborhoods along the roadway. Jackson Bluff Road is generally a residential corridor with a combination of single family residential and apartments. The existing residential neighborhoods are the most likely location for affordable single family housing in the sector. This is important since the sector is the home to some of those most in need of affordable housing. It was the recommendation of the rental-owners and resident-owners who attended the public meetings to preserve those neighborhoods with the Residential Preservation designation where homeownership was the highest and most stable. For the Jackson Bluff area, that neighborhood was Bradford Manor. Bradford Manor is located north of Jackson Bluff Road, between Ausley Road and Mabry. At the time of the Sector Plan (2005), the neighborhood had a homeownership rate of 37%. Today the ownership rate has dropped to 22% (see Attachment 2 for map of homestead properties in the vicinity of the amendment). However, the housing stock is still affordable for those who chose to reside in the sector.

3. Evaluation of the Applicant's Reasons for the Request in the Context of the Plan and Surrounding Area

The applicant is requesting the map change to allow for a higher density of multi-family development, as well as much needed neighborhood scale commercial development at Jackson Bluff/Ausley Road node. The four parcels are located within 1000 feet of the intersection of Jackson Bluff and Ausley Road. Although this is a reasonable site for neighborhood commercial redevelopment at this node, the current zoning and future land use designation only allows for more medium density residential development. The proposed amendment would allow smaller scale commercial intermixed with higher density housing. The applicant notes that this combination increases chances for the success of retail, service, food, and entertainment establishments that will serve the neighborhood as a whole. Currently, the nearest grocery store is the Publix at Ocala Road and Tennessee Street, a mile away on foot, and the closest restaurants are over a third-mile away from the node.

The proposed amendment is also within the Mobility District, which promotes the use of alternative transportation. The Mobility District encourages mix uses, and well-designed buildings and public places. The proposed amendment furthers the goals of the Mobility District and the transportation strategies in the West Pensacola Sector Plan since it would allow higher densities/intensities and mixed use development, a perquisite for successful implementation of mass transit and other alternative modes of transportation.

4. Availability/impacts of Infrastructure

The subject parcels are centrally located in the City and are serviced by all the essential urban services, and thus could support more intense development. The parcels have access to water and sewer, sidewalks, transit, parks, cultural and recreational facilities.

Planning Summation

The Tallahassee-Leon County Comprehensive Plan directs the sector planning of the Southern Strategy area. The West Pensacola Sector Plan is a product of that directive. With more than 15,000 residents in the Sector, the area is one of the most densely populated in our community and because of its proximity to Tallahassee Community College and Florida State University and its large student population; many in the community see the Sector as part of a larger education quadrant. With these two institutions as primary destinations, the sector has several significant corridors. These corridors in the Plan were recommended for the highest density development as well as supporting retail and office uses. In addition, Jackson Bluff, the roadway which all four subject parcels front, was to remain a walkable/pedestrian friendly road with a mixture of housing types and uses with additional development designed to be compatible with adjacent single family housing. The design standards contained within the proposed UT zoning category would facilitate this since they seek to provide aesthetic design and compatible transition between land uses and activities.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features: The four parcels of this amendment are located within the Lake Munson drainage basin. Two of the parcels, located immediately south of Jackson Bluff Road, are in altered floodplains (parcel # 41-03-20-201-0000 and parcel # 41-03-20-240-0000). County environmentally sensitive area maps indicate no other known environmentally sensitive features in the subject area.

2. Water/Sewer: City water and sewer are available to the area.

3. Transportation:

   Transit Availability**:** The subject parcels and surrounding area are serviced by Star Metro.

   Bicycle/Pedestrian Facilities Availability: The request area does have sidewalks.

   Transportation Analysis and Conclusion: The subject site is located within the Multimodal Transportation District (MMTD). Automobile Level of Service standards do not apply to parcels contained within the adopted Multimodal Transportation District, as created by Comprehensive Plan Amendment PCT080119, because this geographic area is now governed by area wide multimodal Level of Service standards to be evaluated every other year pursuant to state requirements.

4. Schools: The subject site is in the Riley, Nims and Rickards school attendance zones.

School Name	Riley Elementary	Nims Middle	Rickards High
Potential Students Generated	94	36	35
Present Capacity	-48	510	240
Post Development Capacity	-142	474	205

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

5. Optional Sustainable Development Survey

The amendment application forms include an optional sustainable development survey that allowed the applicant to provide information about the proximity of services to the site under review. The form was completed by the applicant.

F. VESTED / EXEMPT STATUS:

The subject properties are not vested or exempt.

G. CONCLUSION:

Based on the above data and analysis, staff concludes the following:

1. The proposed amendment would further a number of strategies and recommendations from the West Pensacola Sector Plan for the Jackson Bluff Road area. All four parcels in this amendment front on Jackson Bluff Road. The Sector Plan recommended that Jackson Bluff remain a walkable/pedestrian friendly road with a mixture of housing types and uses and that higher intensities be allowed for existing retail and multi-family areas. The Plan also recommended that if additional development was approved it should be compatible with existing single-family housing and utilize urban design techniques.

2. The subject parcels are located in the Mobility District, which promotes the use of alternative transportation. Approval of this amendment would further the goal of the Mobility District and the transportation strategies of the West Pensacola Sector Plan by promoting mixed use development and higher densities and intensities, a prerequisite for successful implementation of mass transit and other alternative modes of transportation.

3. The subject parcels are within what could be a future urban node providing limited scale commercial/retail uses for nearby residents. Such nodes can be characterized by a mix of higher intensity services and uses, more dense housing choices, easy access to mass transit, and increased walkability made possible by an interconnected sidewalk system.

4. The proposed amendment is not anticipated to have adverse effects on public facilities.

Thus, based on the data, analysis, and conclusions, staff is recommending approval of this amendment.

1. **Why do you want to change the Future Land Use Map?**

Four separate tax parcels that lie within the West Pensacola Street Sector are the subjects of this request. Please refer to Vicinity Map, Figure 1. Currently, all four parcels have an underlying Future Land Use Map (FLUM) designation Urban Residential (UR-2) and are zoned Medium Density Residential (MR-1).

Two of the four parcels are currently developed as apartment complexes, while the third is an old grocery store shopping center that is currently used as Salvation Army thrift store, Community Garden and office. The fourth parcel is currently vacant, although it has been developed in the past as a site for portable classrooms and contains asphalt driving lanes and parking areas. An older house also exists on the property and was formerly used as a day care center. Please refer to attached Existing Conditions Aerial Map, Figure 2.

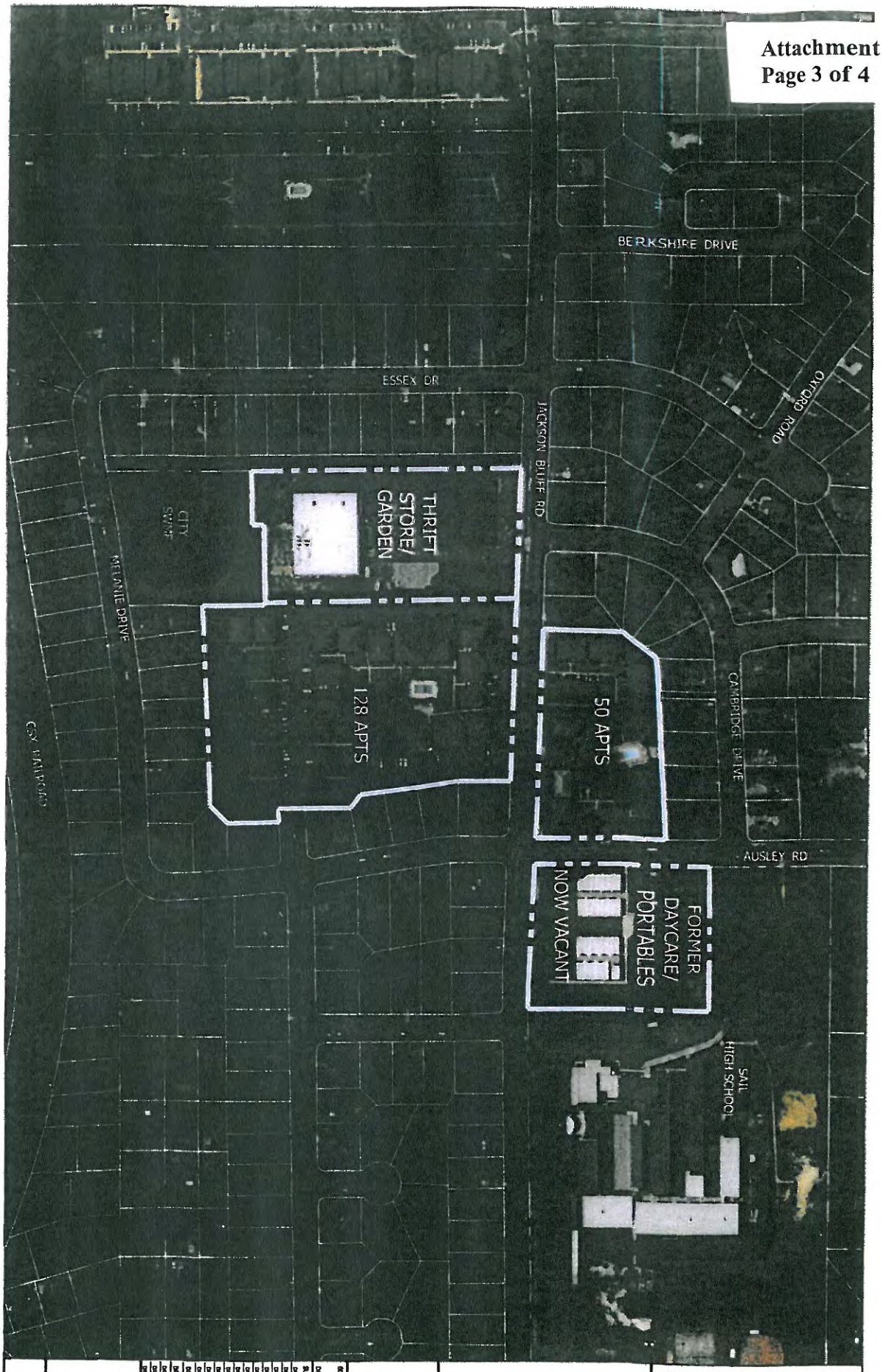
All four parcels front on Jackson Bluff Road, with two of the parcels having dual frontage on Ausley Road. Both roads are designated Major Collectors and all four parcels lie within 1000' of the intersection of these two significant corridors.

It is requested that all four parcels be re-designated University Transition (UT) on the FLUM, with zoning also being revised to UT. This change would allow for a higher density of multi-family residential development at this important node, as well as allowing for much-needed neighborhood-scale commercial development.

The parcels lie within the Multi-Modal Transportation District (MMTD) and are well served by Tallahassee's mass transit system. Ausley Road has a designated on-street bike lane and Jackson Bluff Road has wide pavement and is shown as a "Shared ROW" for bicycles on Mobility District maps. The Jackson Bluff/Ausley intersection is less than one mile from Doak Campbell Stadium and approximately a mile and a half from Tallahassee Community College Campus. However, apart from the thrift store – retail and service businesses to serve a walking and biking populace are non-existent within ¼ mile of the intersection. The nearest location for a loaf of bread or carton of milk is nearly ½ mile to Pensacola Street at the Circle K or ¾ mile down Jackson Bluff to a Kangaroo gas station convenience store. The nearest real grocery store is the Publix at Ocala and Tennessee, a mile away on foot. There are no restaurants within a third-mile. Although there is ample opportunity for redevelopment at this

node, the current zoning and Future Land Use designation only allows for more residential development. Please refer to Zoning Vicinity Map, Figure 3.

According to the *West Pensacola Street Sector Plan*, which was prepared by the Tallahassee-Leon County Planning Department in 2006, sixty-five percent of the sector is between the ages of 18 and 24, with sixty-three percent enrolled in college. Recommendations from public input to the sector plan included directing high density/intensity development to the corridors and permitting an increase in density there, while encouraging mixed uses and good urban design. Specific to Jackson Bluff Road, recommendations for redevelopment included allowance for higher density development in existing retail areas or existing multi-family areas. Also, additional development, if approved, should be compatible with existing single-family housing and utilize urban design techniques. Jackson Bluff Road should be a walkable/ pedestrian friendly road with a mixture of housing types and uses. A Future Land Use Map and zoning change to UT would allow for smaller scale commercial intermixed with higher density housing to support it. This combination increases chances for the success of retail, service, and food and entertainment establishments that will serve the neighborhood as a whole. The design standards contained within the UT zoning category provide for aesthetic protections and value-added functionality.



ATTACHMENT 9
FIGURE 2

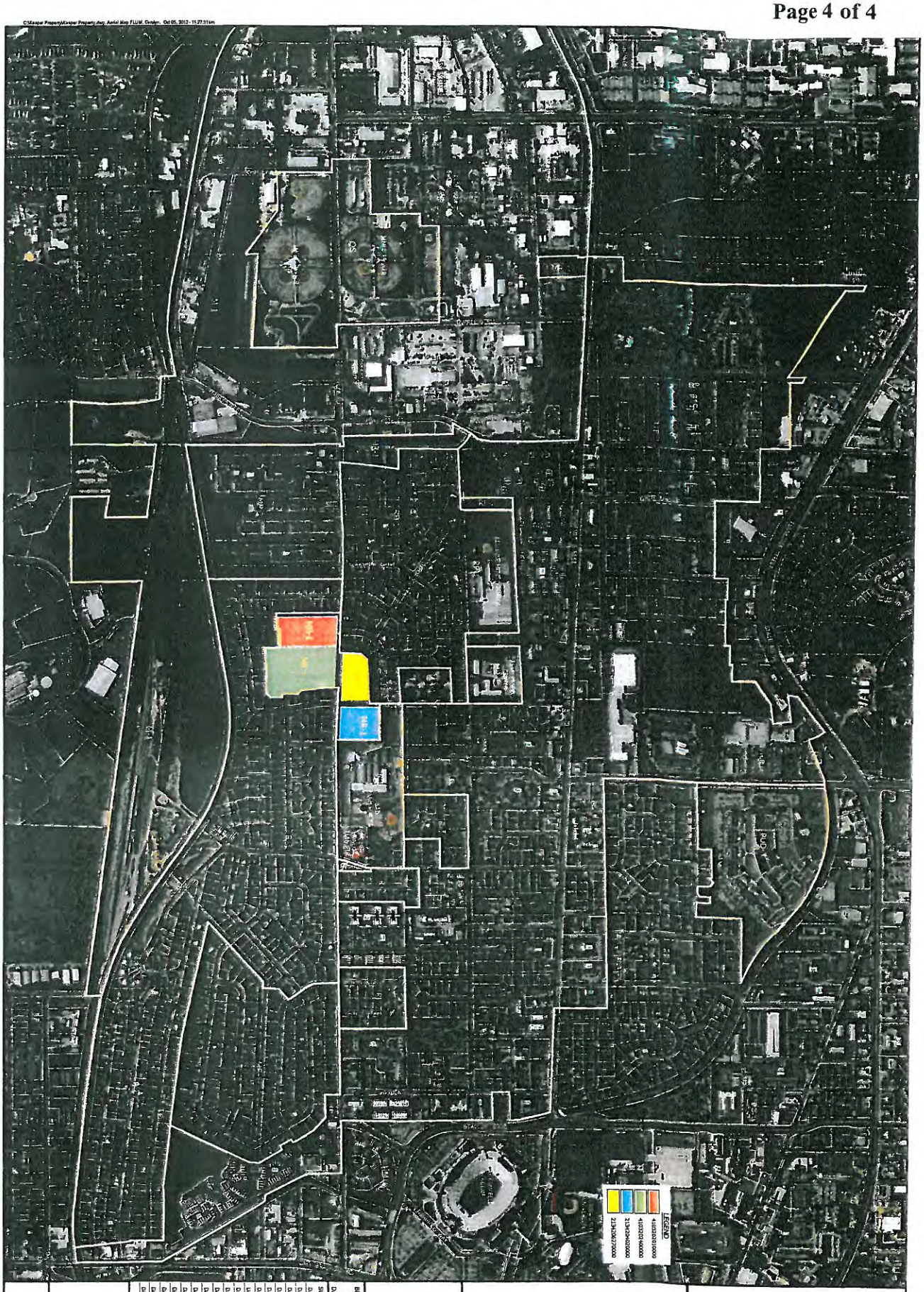
1" = 200'

DATE 1.	
DATE 2.	
DATE 3.	
DATE 4.	
DATE 5.	
DATE 6.	
DATE 7.	
DATE 8.	
DATE 9.	
DATE 10.	
DATE 11.	
DATE 12.	
DATE 13.	
DATE 14.	
DATE 15.	
DATE 16.	
SUBMITTALS/REVISIONS	
DATE:	10/1/13
BDD PROJECT #:	154.002

EXISTING CONDITIONS AERIAL MAP

JACKSON BLUFF AT AUSLEY ROAD
FLUM AMENDMENT
TALLAHASSEE, FL

LAND USE PLANNING
ENGINEERING SUPPORT
BIBLER DESIGN DEVELOPMENT
3673 MOSSY CREEK LN
TALLAHASSEE, FL 32311
OFFICE 850.877.4377
MOBILE 850.567.3751
dbibler@comcast.net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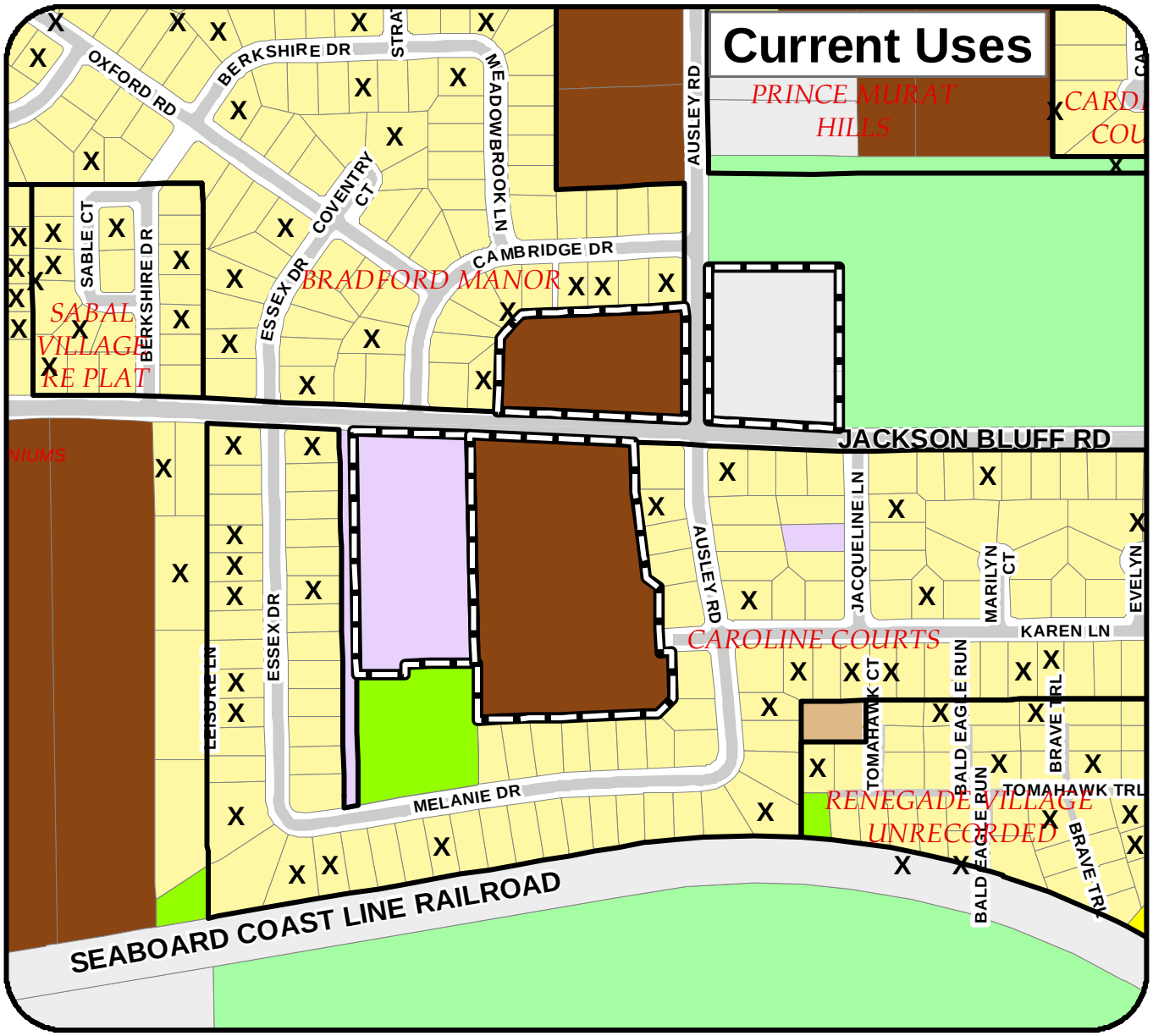
212320270000000
POD
POD
POD

Attachment II



Legend

Subject Parcel

Subdivisions

Current Uses (Oct. 2012)

- Single Family Detached/Mobile Home
- Two-Family Dwelling
- Multi-Family
- School
- Open Space Common Areas
- Open Space Resource Protection
- Religious/Non-profit
- Vacant

X Homestead Exempt Properties

Jackson Bluff and Ausley Street PCM130106

Carolyn Bibler

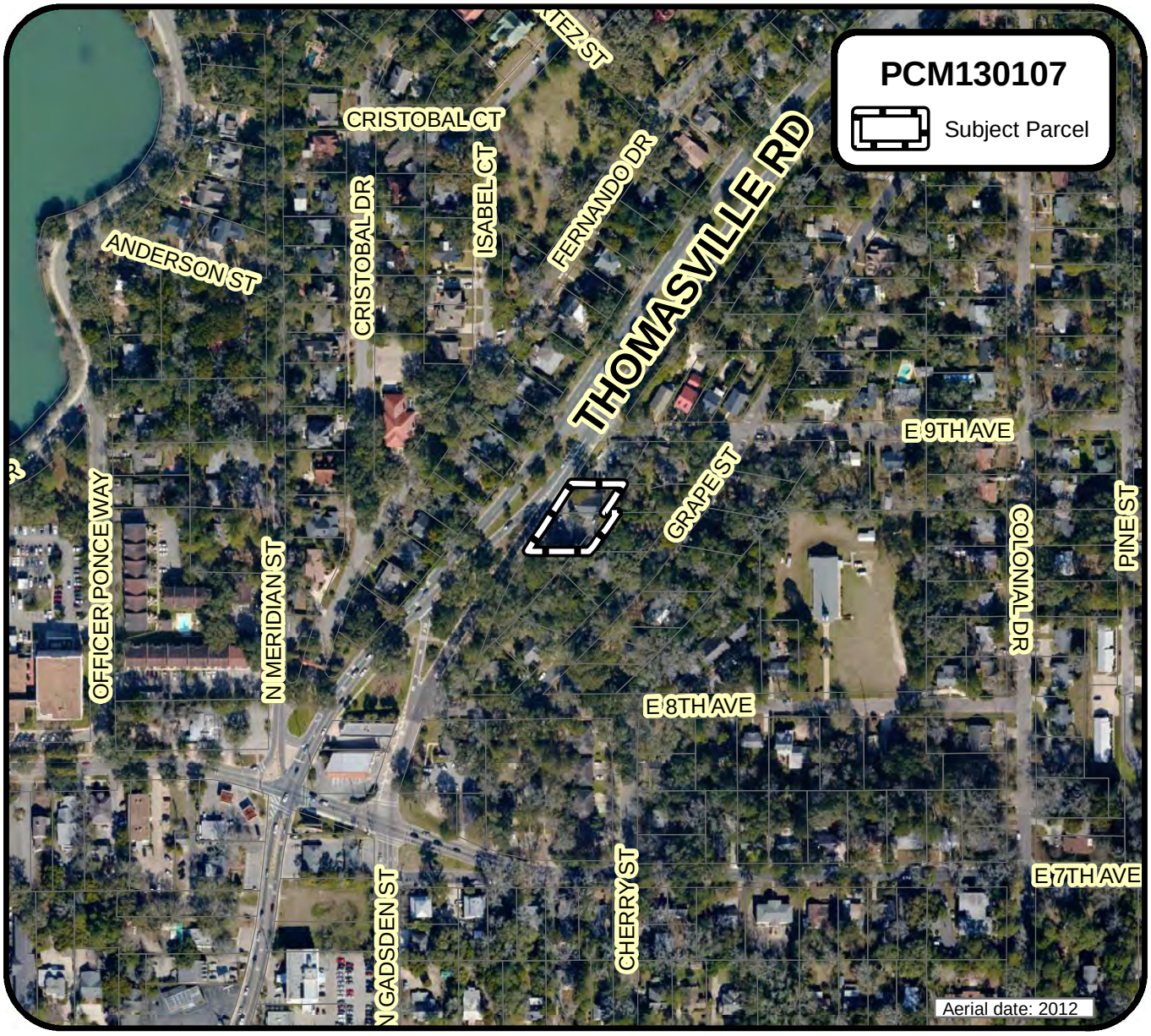
SITE TAX IDs:
21-34-20-402-0000
21-34-20-627-0000
41-03-20-201-0000
41-03-20-240-0000

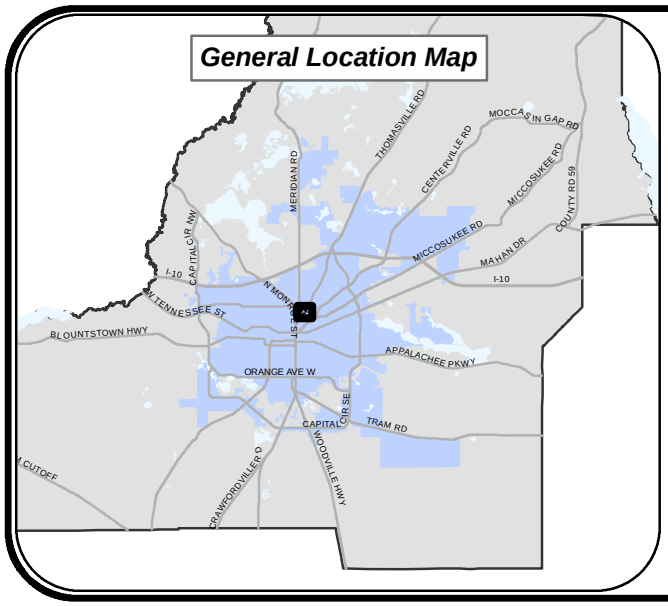
ACRES: 16.42±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT

ATTACHMENT #15

Staff Report PCM130107





9th Avenue and Thomasville Road PCM130107

City of Tallahassee

SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
and
11-30-57-000-0220
(Northwest 22 ft)

ACRES: 0.38 ±

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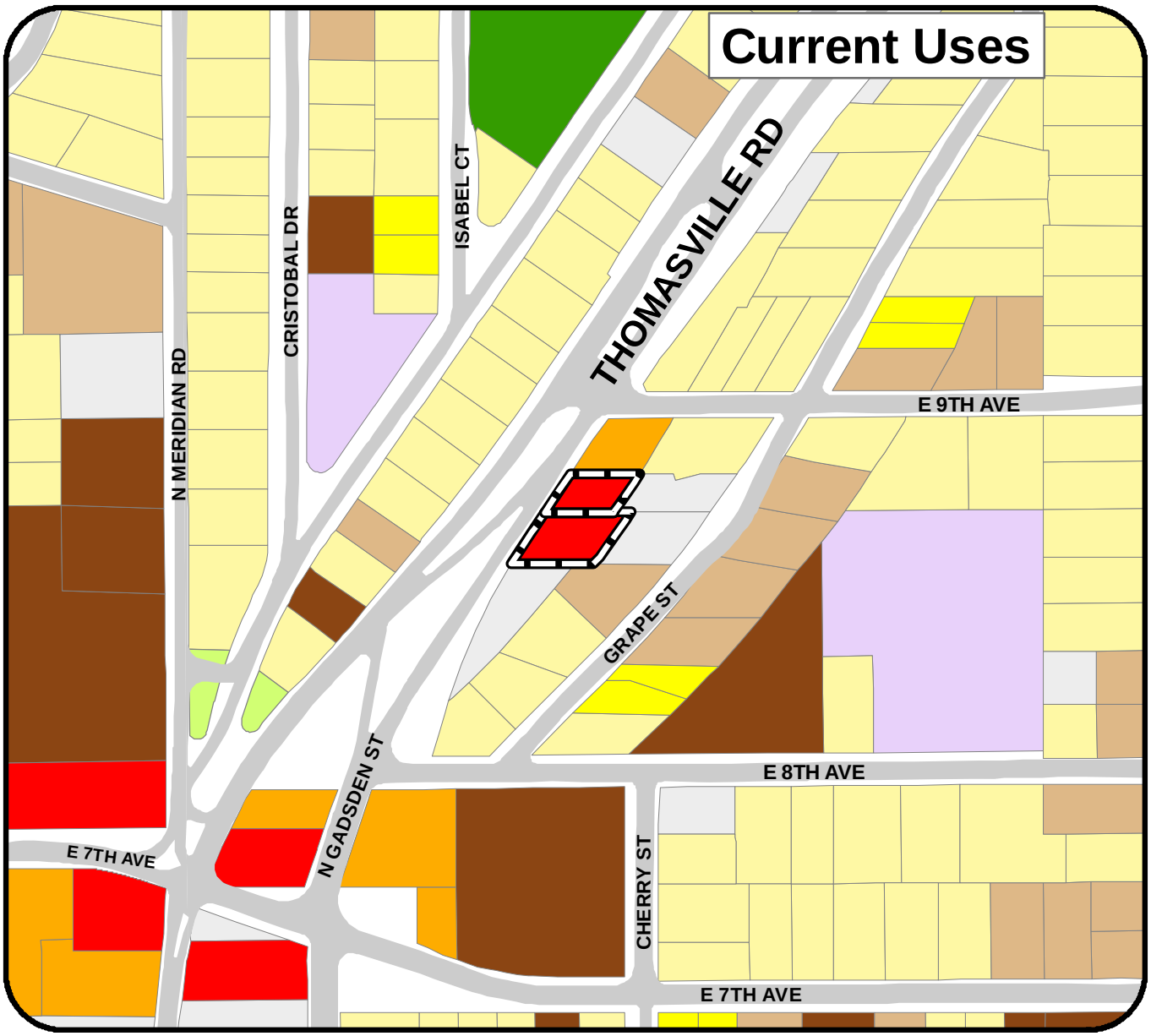
S

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT



Legend

Subject Parcel

Current Uses (Oct. 2012)

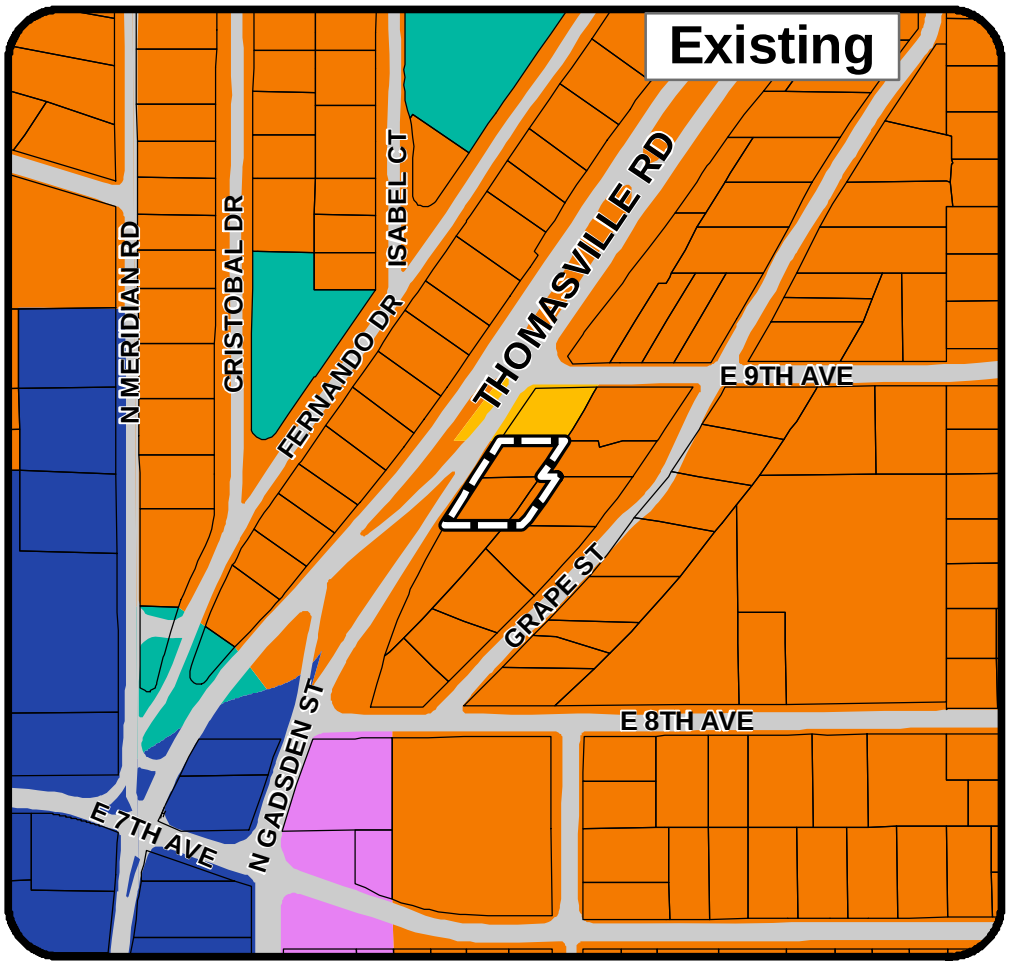
- Single Family Detached/Mobile Home
- Single Family Attached
- Two-Family Dwelling
- Multi-Family
- Retail
- Office
- Government Operation
- Open Space Common Areas
- Open Space Recreation/Parks
- Religious/Non-profit
- Vacant

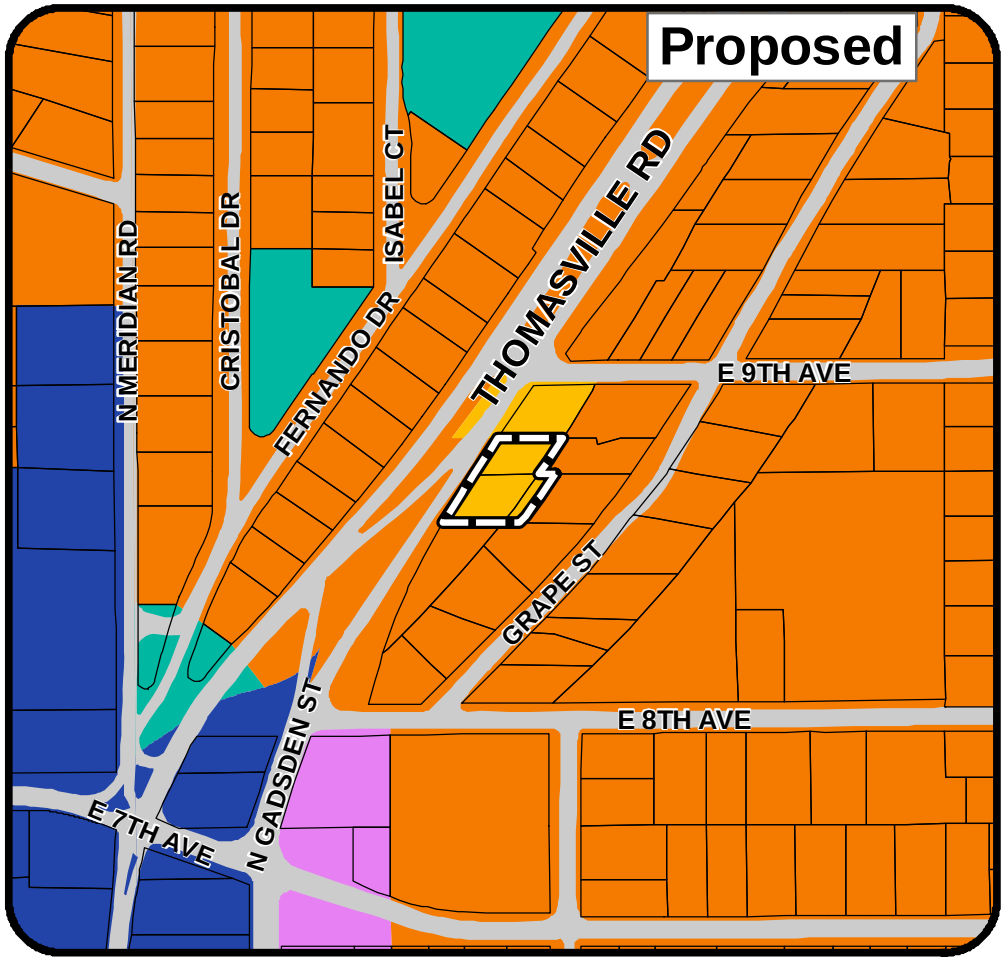
9th Avenue and Thomasville Road
PCM130107
City of Tallahassee

SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
and
11-30-57-000-0220
(Northwest 22 ft)

ACRES: 0.38 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT





Future Land Use

Legend

- Central Urban
- Open Space
- Residential Preservation
- Suburban
- Neighborhood Boundary

Subject Parcel

9th Avenue and Thomasville Road
PCM130107
City of Tallahassee

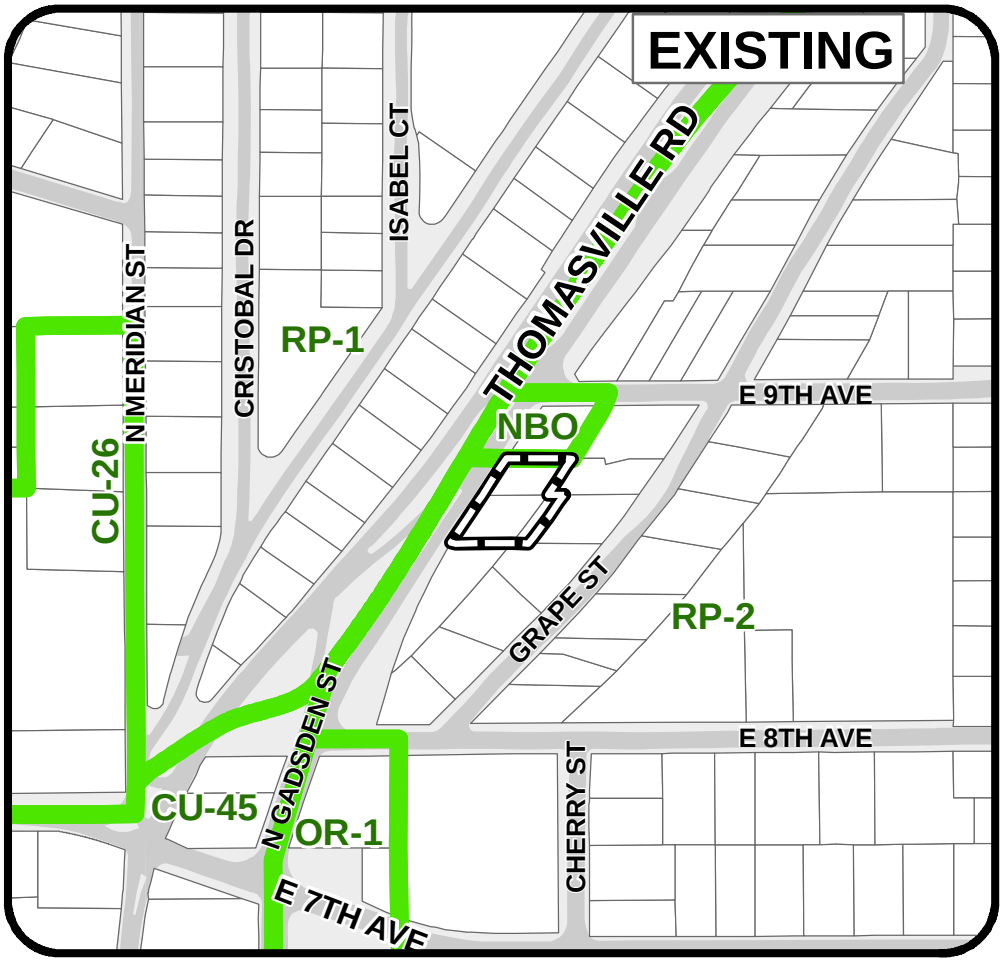
Existing
Residental Preservation

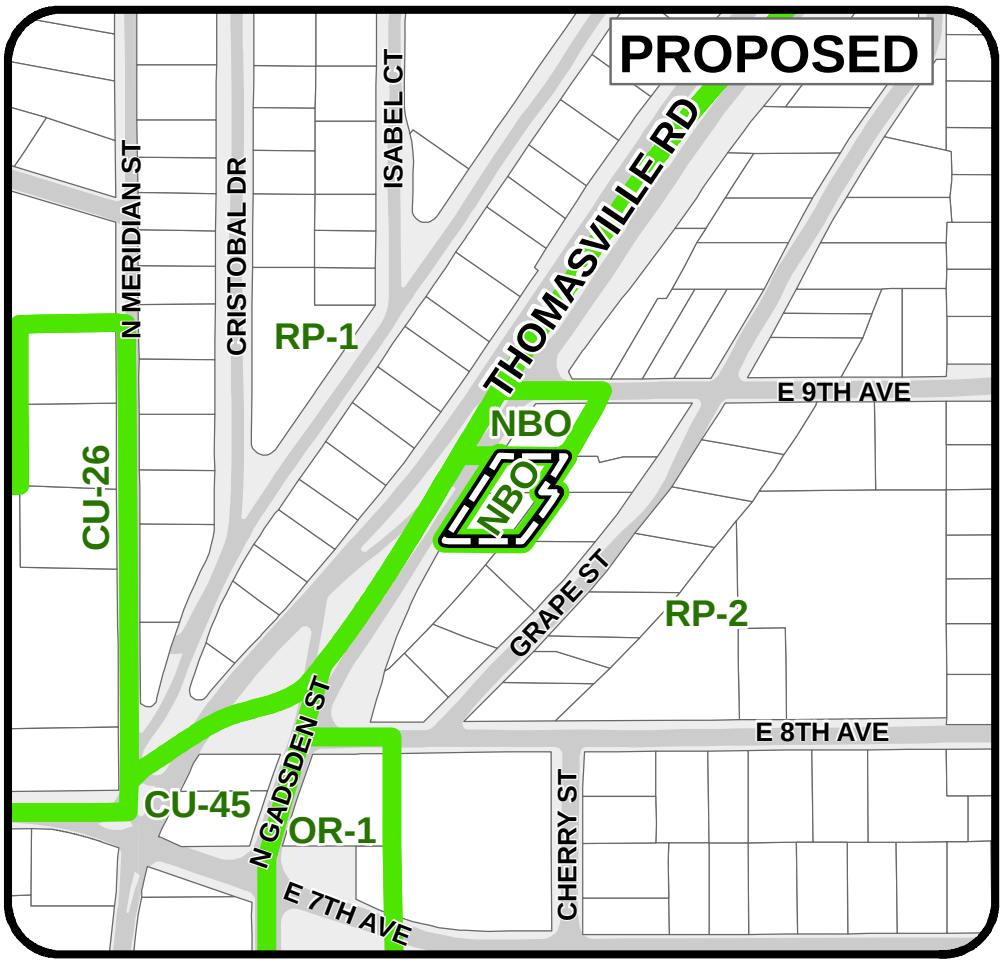
Proposed
Neighborhood Boundary

SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
and
11-30-57-000-0220
(Northwest 22 ft)

ACRES: 0.38 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT





ZONING

Legend

Subject Parcel

zoning

9th Avenue and Thomasville Road PCM130107

City of Tallahassee

Existing

RP-2
(Residential Preservation-2)

Proposed

NBO
(Neighborhood Boundary)

SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
and
11-30-57-000-0220
(Northwest 22 ft)

ACRES: 0.38 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

MAP AMENDMENT #: PCM130107

APPLICANT: City of Tallahassee

TAX ID NO: 11-30-57-000-0120, 11-30-57-000-0130, portion of 11-30-57-000-0220

CITY X COUNTY __

CURRENT DESIGNATION: Residential Preservation

REQUESTED DESIGNATION: Neighborhood Boundary

DATE: ~~January 9, 2013, Updated January 29, 2013~~ Updated March 27, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM130107.

A. SUMMARY:

This is a request to change the Future Land Use Map designation from Residential Preservation to Neighborhood Boundary on two adjoining parcels and a portion of a third adjoining parcel (approximately 0.38 acres) all owned by Marshal Cassedy Jr. and located approximately 100' south of the intersection of 9th Avenue and Thomasville Road.

On September 19, 2012, The City Commission approved a settlement agreement reached by Marshal Cassedy, the Special Master, City staff, and five neighborhood participants. The City Commission also revised the Board of Adjustment and Appeals Previously Existing Land Use Conformity (PELUC) Order to reflect the approved settlement agreement and directed the initiation of this Comprehensive Plan amendment as provided in the settlement agreement.

This is the third time some version of the subject property has been included in a Comprehensive Plan amendment request. The first was initiated by staff in 2006 based on an adjacent request from the former veterinary clinic site, the second was initiated in 2011 by the owner, and this third time was initiated by the City Commission based on the settlement agreement.

The staff recommendation for the Neighborhood Boundary category seeks to balance the historic commercial use of the parcels with protection of the significant residential investment that has occurred in the surrounding area over the past 20 years. **The owner has fully complied with the PELUC Order that reflects the items included in the settlement agreement.**

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. Meets the intent of Neighborhood Boundary as a transition land use intended to protect existing commercial and office uses and adjacent stable and viable residential areas.

~~2. Reinstates, but limits, commercial use designations that were in place prior to the City-wide rezoning in 1992.~~

~~3.~~2. Promotes walkable opportunities for small-scale employment, service opportunities, and housing, in close proximity to residential areas, and subject to mandatory design standards required to promote compatibility with adjacent residential development.

C. APPLICANT'S REASON FOR THE AMENDMENT:

The applicant is the City of Tallahassee. The intent of the proposed land use change is to make the land use and zoning designations more consistent with the long-term use of the property as a business, and to implement the terms of the settlement agreement as part of the Special Master's recommendation approved by the City Commission on September 19, 2012.

D. STAFF ANALYSIS:

Location

These two contiguous parcels and a portion of a third contiguous parcel are located approximately 100' south of the intersection of 9th Avenue and Thomasville Road on the east side of Thomasville Road.

History

The historical zoning atlas indicates the site was in the Automotive Commercial (C-4) zoning district prior to adoption of the Comprehensive Plan in 1990 and the City-wide rezoning in 1992 (Attachment #1). The Planning Department has previously indicated that inclusion of these parcels in the Residential Preservation district appears to have been in error.

This is the third time this property has been subject to a proposed land use and zoning change. The most recent proposed land use and zoning change was considered during the 2012-1 Cycle. A history of the proposed amendments from 1992 through 2012 is presented in Attachment #2. The applicant, who is also the property owner, proposed a land use and zoning change for parcels 11-30-57-000-0120, 11-30-57-000-0130, and 11-30-57-000-0140 to go from Residential Preservation to Neighborhood Boundary. This proposal was denied at the Joint City-County Commission Adoption Public Hearing on June 26, 2012, based in part on complaints brought by neighborhood residents who objected to the continuing use of an adjoining residential lot that provided access to Grape Street, which was temporarily blocked on the day of the Public Hearing.

At the same time this proposed comprehensive plan amendment was being considered, the applicant applied for a Certificate of Previously Existing Land Use Conformity (PELUC) for the properties being considered in the 2012-1 Cycle. A PELUC allows land uses legally established prior to adoption of the Comprehensive Plan on July 16, 1990, but made non-

conforming by the adoption of the Plan, to be certified as legally conforming. A PELUC allows a property owner to continue the present use of the property although the land use and zoning codes would not allow this use, and to also rebuild any structures to their existing form and use if they are more than 50 percent destroyed.

Based on direction given to staff by the Long Range Target Issue Committee on November 30, 2011, the City Commission voted on March 14, 2012 to waive the fees for a PELUC application addressing the two parcels upon which the hair salon and its adjacent parking area are located. The PELUC application was submitted to the City by the owner of the subject parcels. The Tallahassee – Leon County Board of Adjustments and Appeals (BOAA) reviewed this application at their regular meeting on April 12, 2012, and then voted unanimously to approve the PELUC with the following conditions:

1. That an 8 foot high opaque fence be erected along the rear property line of the site to buffer the adjacent residential lots from the hair salon; prevent use of the adjacent residential lot for parking; and prevent vehicular access across the residential lot;
2. That a fence or barrier be constructed along the southern property line to ensure containment of the use to the site.
3. That a unity of title uniting the lots be recorded and recognized by the Leon County Property Appraiser's office.
4. That changes to the parking lot and spaces resulting from the buffer fence installation be consistent with current code requirements.
5. That the existing dumpster be relocated consistent with current code requirements.
6. That the sign on Grape Street be removed.
7. That all conditions be completed within 30 days of the recording of the certificate.

On May 24, 2012, the applicant submitted a Request for Relief from the PELUC mitigation measures that halted the implementation time period for the PELUC. On September 7, 2012, Mr. Cassedy, his attorney, and his planner met with the Special Master, City staff, and five neighborhood participants to discuss the challenge. At the end of the meeting, the parties reached a settlement agreement as part of the Special Master's recommendation.

On September 19, 2012, this settlement agreement was reviewed by the City Commission with a staff recommendation to approve the agreement through a City Commission order and revising the PELUC Order consistent with the agreement. The settlement agreement and City Commission order was approved at that meeting, and the BOAA PELUC Order was revised and recorded in the public records of Leon County (Attachment #3).

The September 19, 2012 agenda item also included a request on behalf of Marshall Cassedy, the property owner, that the City Commission initiate a Comprehensive Plan amendment to change the Future Land Use Map designation to Neighborhood Boundary and the zoning to Neighborhood Boundary Office on a portion of the Grape Street residential lot shown in the settlement agreement, and on the two parcels used by the hair salon. This request was approved by the Commission at that meeting.

Subsequently, the Planning Department completed an application for the 2013-1 Comprehensive Plan amendment cycle on October 1, 2012 to change the Future Land Use Map category and zoning on Lots 12 and 13 and the portion of Lot 22, Hiway Park Subdivision, as provided in the settlement agreement.

On December 3, 2012, the City's Growth Management Department issued a Notice of Violation (NOV) to Mr. Cassedy based on the lack of progress on meeting the conditions of the Settlement Agreement as outlined in the PELUC Order. As of January 17, 2013, Mr. Cassedy was determined by the City Attorney's Office to have adequately met the requirements of the PELUC order. The NOV has subsequently been administratively dismissed.

Existing Land Use, Future Land Use Designation, and Zoning

Land Use

A hair salon is located on the northernmost parcel. A parking area for the salon is located on the adjacent parcel. That portion of the third parcel under consideration is used as part of the parking area.

Thomasville Road runs along the west side of the parcel. The property immediately north of the subject properties is an empty office building that used to be a veterinarian hospital, and the properties to the north (across 9th Ave.) and east of the site are single-family residential. A vacant lot immediately east of the hair salon previously provided vehicular access to Grape Street, but it has been blocked by a fence that sits approximately 22' east of the easternmost property line. That portion of this property that is west of the newly-installed fence is part of the subject properties under consideration for a proposed land use and zoning change.

Land Use Designation

The subject properties are currently designated Residential Preservation (RP) on the Future Land Use Map. The RP land use category is characterized by existing homogeneous residential areas within the community predominantly accessible by local streets. The primary function of this category is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions.

Future development primarily will consist of infill due to the built out nature of the areas. Commercial, office, and industrial land uses are prohibited. Future arterial and/or expressways should be planned to minimize impacts within this category. Single family, townhouse and cluster housing may be permitted within a range of up to six units per acre. Consistency with surrounding residential type and density shall be a major determinant in granting development approval.

Zoning

The subject properties are currently zoned Residential Preservation 2 (RP-2). The RP-2 Zoning District is intended to apply to residential development in areas designated "Residential Preservation" on the Future Land Use Map, preserving the low density residential character of single-family, two-unit townhouse, and duplex residential development, protecting from incompatible land uses, and prohibiting densities in excess of

six (6.0) dwelling units per acre. RP-2 zoning also allows passive and active recreation, community services, and light infrastructure. The RP-2 zoning would allow 1 dwelling unit on each of the three subject properties.

Proposed Future Land Use Designation and Zoning

Proposed Land Use Designation

This amendment proposes to change the Comprehensive Plan Future Land Use Map designation on the subject property from Residential Preservation to Neighborhood Boundary. The intent of this land use category is to create a transition area between residential development and more intensive development such as multi-family and non-residential development, while still preserving roadway capacity through access management practices. This category is limited to properties adjacent to existing and future residential neighborhoods and on roads with high traffic volumes. For properties located at an arterial/local, arterial/major collector, or arterial/minor collector intersection, non-residential development must front the arterial road. The land development regulations also specify specific vehicular access.

Allowable uses in areas designated NB include:

- Low-density residential, including duplexes, townhomes, triplexes, and quadraplexes; and
- Non-residential development scaled to serve the surrounding neighborhood such as limited retail, offices, bed and breakfast inns and community services. Auto-oriented uses, such as gas stations or any other use having drive-through facilities, are not allowed in order to protect neighborhoods from any negative impacts associated with increased vehicular traffic.

The maximum density limit is eight (8) dwelling units per acre. Mandatory design standards for new development, which are embedded in the NBO zoning regulations, are intended to promote compatibility with adjacent residential development. These design standards address roof styles, building scale, color, exterior building materials, front setbacks, architectural style, buffering, landscaping, solid waste disposal, parking, lighting, and signs.

Proposed Zoning

The applicant has requested Neighborhood Boundary Office (NBO) zoning for the subject properties. The Neighborhood Boundary Office (NBO) district is intended to be located in areas designated as Neighborhood Boundary on the Future Land Use Map of the Comprehensive Plan and shall apply to areas located on the edges of existing or planned single-family attached and detached residential neighborhoods fronting arterial and collector roadways.

The NBO district is intended to provide minor office opportunities serving the immediate area and higher intensity residential land uses while providing a transition between the residential development and more intensive development, and to preserve roadway capacity through appropriate access management. The intent of these access management requirements is to reduce access points along the roadway system, provide interconnectivity

between non-residential developments (within this land use category), and encourage convenient walk-to work opportunities in close proximity to the residential areas it will serve.

The NBO district cannot be applied to the interior of an existing neighborhood, nor in areas designated as Lake Protection on the Future Land Use Map of the Comprehensive Plan. It is not intended to accommodate large scale office development. Personal services (including hair salons), medical clinics, bail bonds, and payday loan offices are prohibited.

In addition, the NBO district shall not exceed 350 feet in depth parallel to the arterial or collector roadway in which it fronts or one (originally) platted lot whichever is less. The maximum gross density allowed for new residential development in the NBO district is eight (8) dwelling units per acre.

Multimodal Transportation District and Neighborhood Boundary Office Zoning

In 2007, the Planning Department began the process of developing the Multimodal Transportation District (MMTD). The MMTD is an 18-square mile area (Attachment #4) that encompasses the downtown and surrounding areas of Tallahassee. It is intended to help create a more compact, pedestrian-oriented mixture of neighborhoods and commercial center, allowing independence to those who do not drive; an interconnected network of roadways designed to disperse traffic and reduce the length of automobile trips; and neighborhoods with a range of housing types to accommodate diverse ages and incomes.

The MMTD, also known as the Mobility District, was adopted in 2009, and its implementing development code was adopted in 2011. Compatibility is one of the main goals in creating a successful mix of land uses, and it incorporates many features found in the development standards that are part of NBO.

As stated in Section 10-266 of the City's Land Development Code addressing the NBO zoning district, the development standards for properties located within the MMTD are established within Division 4 (MMTD Development Standards) of this Code. The subject properties are located within the MMTD.

The NBO zoning district intent and permitted uses established under Section 10-266 are not affected by the MMTD Code. However, there are several differences between development standards under the former NBO code and those under that part of the MMTD code that addresses all properties within the MMTD area. Commonalities and differences between the two development standards are briefly summarized in the following points:

1. Building setbacks are mostly similar.
2. Buffers are required in NBO for townhomes (single-family attached) and minor office uses developed adjacent to existing single-family (detached). An additional, narrower option is available in the MMTD, but buffers are only required for non-residential uses only.
3. The maximum height under MMTD for principal buildings is three stories, whereas under NBO it was two stories. However, RP also allow 35 feet high (3-story) structures, which is why the MMTD code allows 3.
4. The maximum building size for non-residential structures is mostly similar.
5. Building orientation requirements are mostly similar.
6. Lighting standards are similar, but there are additional requirements under MMTD.
7. Street access and interconnections are mostly similar.

8. Fencing and/or screening are mostly similar.
9. Compatibility requirements under NBO were intended to provide a unified sense of place, a pedestrian scale, and design that reflects the general character and scale of typical residential structures in adjacent neighborhoods. MMTD compatibility requirements for structures adjacent to low-density neighborhoods address building height, including requiring setbacks.
10. Signage requirements are mostly similar. However, there are several additional restrictions under NBO.
11. ~~Several~~ N~~n~~oise, business hours, and solid waste limitations ~~and other requirements~~ exist in ~~the~~ NBO ~~zoning district~~ that are not present under that portion of the MMTD which addresses areas zoned as NBO. However, these provisions remain enforceable where there are no conflicts with any other regulations.

A comparison of development standards in Section 10-266 and Division 4 is attached to this report (Attachment #5).

E. ENVIRONMENTAL FEATURES & IMPACT ON INFASTRUCTURE:

Environmental Features

The subject properties are located within the Lake Lafayette drainage basin. County environmentally sensitive area maps indicate the presence of significant grades on small portions of the subject properties. No other known environmentally sensitive features are identified onsite.

Water/Sewer

City centralized water and sewer services presently are connected to the subject properties.

Roadways

Roadway:	Thomasville Road
Adopted Level-of-Service:	E
Functional Classification:	Principal Arterial
Available Capacity:	Functioning over capacity.

The subject properties are already in use commercially, and a change in use will not adversely impact the roadway capacity. The subject properties are located within the Multimodal Transportation District.

The MMTD is established in the Mobility Element by Policy 1.1.9., and extends out to Bradford and Betton roads north of Mid-town. The purpose of the MMTD is to promote walking, bicycling, and transit use in order to reduce dependence on the automobile. (Roadways and associated rights-of-way shown as boundaries for the MMTD are considered part of the MMTD.)

Policies in the MMTD call for land uses that provide appropriate densities, intensities and mixture of land uses to support 18-hour activity and multimodal transportation based on land use mix targets and to facilitate walking and bicycling as an alternative to driving. Transit is

a component of the MMTD where redevelopment in the urban center is encouraged to have 10 minute headways for buses.

Urban design standards to encourage energy efficiency and livability include pedestrian oriented blocks, easy access transit stops, compatibility measures between land uses, transparency of uses, use of sidewalks, and parking standards to discourage single-occupancy vehicles. Transit commitments and requirements for "complete streets" are part of the MMTD.

Transit Availability:

The subject properties are located on the "Dogwood" StarMetro route and approximately 200' from the "Gulf" route.

Bicycle/Pedestrian Facilities Availability:

Thomasville Road has a sidewalk on the east side of the road next to the subject properties.

School Information:

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

School Name	Sullivan Elementary	Cobb Middle	Leon High
Potential Students Generated	2	1	1
Present Capacity	83	159	24
Post Development Capacity	81	158	23

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

F. VESTED / EXEMPT STATUS: None.

G. MAJOR PLANNING ISSUES:

Applicability of the Existing Residential Preservation Category

The primary function of the Residential Preservation category is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions. Criteria measuring the stability and viability of residential areas include:

- Degree of existing land uses that are residential.
- Locality of automotive traffic.
- Predominance of residential uses fronting on local streets.

- Relatively safe internal mobility.
- Densities generally of six units per acre or less.
- Presence of sidewalks.
- Existing residential type and density exhibiting relatively homogeneous patterns.
- Degree of home ownership.
- Existence of neighborhood organizations.
- Degree of owner-occupied residential units.
- Little or no history of rezoning.

A previous study of this area by Planning staff to evaluate the viability and stability of residential uses found that the residential area meets a majority of the evaluative criteria, whereas the subject properties meet approximately half of the criteria for inclusion in Residential Preservation.

Traffic Issues in the Surrounding Area

Several transportation issues are associated with the subject site. A significant volume of traffic passes by the subject parcels on Thomasville Road, and there have been several speeding and cut-through issues in the residential area east of the subject parcels. City Public Works staff have begun discussions of potential options for addressing traffic engineering issues in this part of Mid-town, including the area where traffic on Gadsden Street going north merges onto Thomasville Road just north of 9th Avenue. However, at this time, there are no firm plans that have been established, and no funding is currently designated for any related capital improvements in this area.

Staff recommends that local government move forward first with a decision regarding the appropriate Future Land Use designation in order to appropriately address existing transportation design issues.

Local Planning Agency Review

The Local Planning Agency (LPA) reviewed this proposed amendment at its workshop on January 17, 2013. LPA members asked about the safety issues associated with access to the subject properties from Thomasville Road, including both southbound and northbound. Staff's response was that Thomasville Road is under the responsibility of the Florida Department of Transportation (FDOT), and that the City's Public Works Department is continuing to coordinate with FDOT to address these and other safety and access issues along this roadway.

H. CONCLUSION:

Based on the above data and analysis, Planning Department staff recommends approval of the amendment request for the following reasons:

1. Meets the intent of Neighborhood Boundary as a transition land use intended to protect existing commercial and office uses and adjacent stable and viable residential areas.

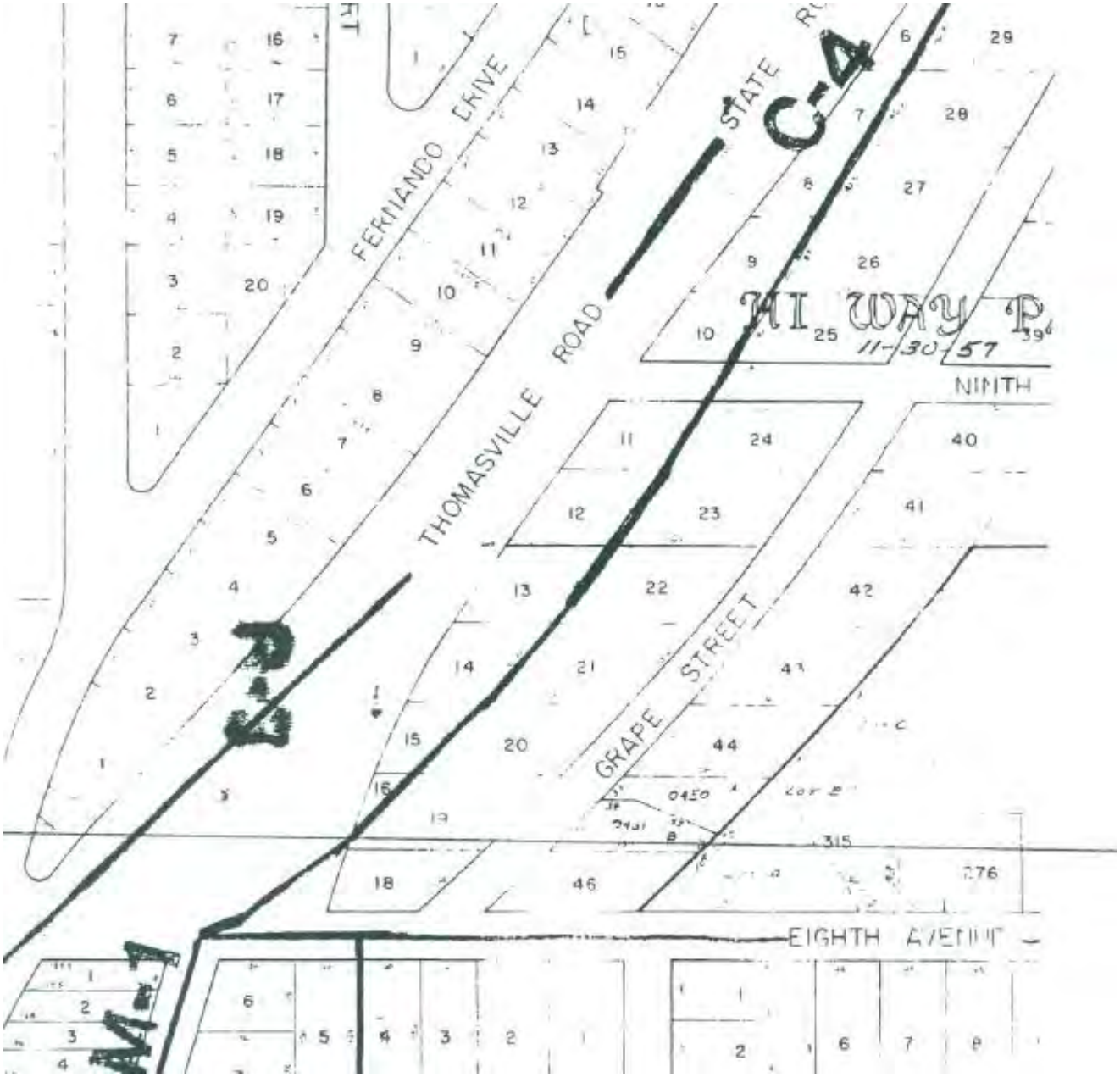
2. ~~Reinstates, but limits, commercial use designations that were in place prior to the City-wide rezoning in 1992.~~

~~3.~~2. Promotes walkable opportunities for small-scale employment, service opportunities, and housing, in close proximity to residential areas, and subject to mandatory design standards required to promote compatibility with adjacent residential development.

I. ATTACHMENTS

Attachment #1: Historic Zoning Map
Attachment #2: History
Attachment #3: PELUC Order
Attachment #4: MMTD Map
Attachment #5: Comparison of Development Standards in Section 10-266 and Division 4 of the City's Land Development Code

Historic Zoning (Pre-1990)



History

Zoning History

Pre 1990:	C-4 Zoning (Automotive Commercial) consistent with Comprehensive Plan.
July 1990:	New Comprehensive Plan adopted and FLUM became Residential Preservation with C-4 Zoning.
March 1992:	City wide rezoning to implement the Comprehensive Plan, zoning on site changed to RP-2 (Residential Preservation-2). The zoning has remained unchanged since 1992.

Ownership History

March 1997:	Mr. Cassedy purchased parcel 1130570000120 (existing hair salon building).
April 1997:	Mr. Cassedy purchased parcels 1130570000130 and 1130570000220 (parking lot and Grape Street access).
July 2004:	Mr. Cassedy purchased parcel 1130570000140 (southern forested triangle).

2007-1 Proposed Comprehensive Plan Amendment History

July 2006:	Allied Veterinarian Services applied for a Comprehensive Plan amendment to parcel 1130570000110 (corner of 9th and Thomasville).
August 2006:	Staff recommended changing the Future Land Use Map designation of the Allied Veterinarian Services parcel and three parcels owned by Mr. Cassedy from Residential Preservation to Suburban with Office Residential 1 (OR-1) zoning.
October 2006:	Local Planning Agency (LPA) voted 2-2 to deny this amendment. LPA members stated the amendment was denied due to the overall need for residential vs. commercial in the area and to promote the success of the area as a stable and affordable neighborhood that requires protection by the Comprehensive Plan provisions for neighborhood protection.
February 1, 2007:	City Commission transmitted a compromise plan between Allied Veterinarian Services and the Mid-Town Neighborhood Association to change the parcel just north of the parcels owned by Mr. Cassedy to Neighborhood Boundary. The Neighborhood Association and Mr. Cassedy did not agree to a mutually acceptable Future Land Use designation and zoning category for his three parcels. The motion passed at this meeting is included below *"On behalf of the City, City Commissioner Lightsey moved to act only on the applicant's property and try to work with the compromise and prohibit the interconnection, recognizing the obligation to move forward to study*

what would happen on the other three parcels because something viable must be allowed on that property. City Commissioner Katz seconded the motion."

April 4, 2007: Based on the direction provided at the February 1, 2007 Transmittal Hearing, Planning staff provided an implementation plan to the Long Range Target Issues Committee (LRTIC) that addressed the 1) FLUM designation on the Allied Veterinarian Services site, 2) prohibition of interconnection, and 3) moving forward with a traffic study for the parcels owned by Mr. Cassedy. Planning staff was directed to continue moving forward with the ordinances needed to address items 1 and 2. Commissioners also provided the following directions:

- Provide a traffic accident rate study at the merging intersection of Thomasville Road and Gadsden Street.
- Provide a speed study and traffic count.
- Need to determine the safety issue first and then address the land use issue.

May 8, 2007: City Commission approved the Comprehensive Plan amendment to Neighborhood Boundary on the Allied Veterinarian Services site (4-0).

May 10, 2007: The LRTIC engaged in a brief discussion with Public Works staff regarding traffic safety near 9th Avenue and Thomasville and directed staff to provide further information regarding safety, compatibility and development within this intersection. The item was scheduled to return in June 2007

May 23, 2007: City Commission approved an ordinance to amend the Neighborhood Boundary Office zoning district to address compatibility with adjacent residential uses. This included the prohibition of interconnection issue identified at the February 1, 2007 Transmittal Hearing.

June 6, 2007: LTRTIC meeting canceled and items continued to July.

July 2, 2007: LRTIC did not accept Public Works recommendations for structural changes to modify traffic patterns near the property owned by Mr. Cassedy. Additionally, the LRTIC did not direct staff to file a Comprehensive Plan amendment on behalf of Mr. Cassedy. The Planning Department had no pending action items after this meeting.

Nov. 30, 2011: The LRTI Committee met on Wednesday, November 30, 2011. The Committee directed staff to:

1) Prepare an agenda item for the City Commission requesting a waiver of the fees associated with a Certification of Previously Established Land Use Conformity (PELUC) for the two parcels upon which the hair salon and its adjacent parking area are located.
2) Do not request a waiver of the comprehensive plan amend fees.
3) Do not have the City Commission initiate the Comprehensive Plan amendment.
4) Try to address the issue of parking and access via the parcel fronting on Grape Street.
5) Try to address what could be done with the parcels if joined by a unity of title.

March 14, 2012: City Commission voted on to waive the fees for a PELUC application addressing the two parcels upon which the hair salon and its adjacent parking area are located.

April 12, 2012: Tallahassee – Leon County Board of Adjustments and Appeals (BOAA) reviewed this application at their regular meeting on April 12, 2012. The BOAA voted unanimously to approve the PELUC with conditions.

May 24, 2012: Marshall Cassedy submitted a Request for Relief from the PELUC mitigation measures that halted the implementation time period for the PELUC.

June 26, 2012 Second proposed land use and zoning change for parcels 11-30-57-000-0120, 11-30-57-000-0130, 11-30-57-000-01402012-1 was denied at the Cycle 2012-1 Joint City-County Commission Adoption Public Hearing based in part on complaints brought by neighborhood residents who objected to the continuing use of an adjoining residential lot that provided access to Grape Street, which was temporarily blocked only on the day of the Public Hearing.

September 7, 2012: Mr. Cassedy, his attorney, and his planner met with the Special Master, City staff, and five neighborhood participants to discuss the challenge. At the end of the meeting, the parties reached a settlement agreement as part of the Special Master's recommendation.

September 19, 2012: The settlement agreement was reviewed and approved by the City Commission, who issued an order accepting the settlement agreement and revising the PELUC Order consistent with the settlement agreement.

The City Commission also initiate a Comprehensive Plan amendment to change the Future Land Use Map designation to Neighborhood Boundary and the zoning to Neighborhood Boundary Office on a portion of the Grape Street residential lot shown in the settlement agreement, and on the two parcels used by the hair salon.

October 1, 2012: The Planning Department completed an application for the 2013-1 Comprehensive Plan amendment cycle on to change the Future Land Use Map category and zoning on Lots 12 and 13 and the portion of Lot 22, Hiway Park Subdivision, as provided in the settlement agreement.

December 3, 2012: City Growth Management Department issued a Notice of Violation (NOV) to Mr. Cassedy based on the lack of progress of on meeting the conditions of the Settlement Agreement as outlined in the PELUC Order.

TALLAHASSEE-LEON COUNTY
BOARD OF ADJUSTMENT AND APPEALS
AS REVISED BY THE CITY COMMISSION
SEPTEMBER 19, 2012
PURSUANT TO A SPECIAL MASTER PROCEEDING

Marshall R. Cassedy, Jr.,
Applicant

CASE NO. TVA120005

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING A PREVIOUSLY ESTABLISHED LAND USE CONFORMITY CERTIFICATE

This case came for public hearing before the Tallahassee-Leon County Board of Adjustment and Appeals on April 12, 2012 on the request of the Petitioner for a Previously Established Land Use Conformity (PELUC) Certificate pursuant to Section 10-105 of the City of Tallahassee Land Development Code. The Board having heard testimony and received evidence, and being otherwise fully advised in the premises, issues its findings of fact, conclusions of law, and order in this case as follows:

FINDINGS OF FACT

1. That Marshall R. Cassedy, Jr, is the owner of the subject property and was served notice of these proceedings.

2. That notice was given at least five (5) calendar days in advance of the hearing to the general public by publication in a newspaper of regular and general circulation in Tallahassee and Leon County on April 2, 2012 and to 26 owners of property within two hundred feet of the subject property by written notification, and that the property was posted in accordance with Section 2-164(2) (Posting of property required), *TLDC*.

3. That the subject property of these proceedings is identified by Leon County tax parcels # 11-30-57-000-0120 & 11-30-57-000-0130 and is located at 1447 Thomasville Road, Tallahassee, Florida.

4. That the zoning of the property on which the current hair salon use is located is RP-2, a residential zoning district. The RP-2 zoning was instituted in 1992 and hair salons are not permitted in this zoning district.

5. That the hair salon use was established as a legal use and was in existence on July 16, 1990.

6. The waiver provisions requested by this application to the Board of Adjustment and Appeals are for an existing nonconforming land use, and is not for the waiver of any other development standards or criteria contained within the City of Tallahassee land development ordinances and regulations.

UNOFFICIAL DOCUMENT

7. The subject hair salon use is classified as neither Heavy Infrastructure nor Heavy Industrial use.

CONCLUSIONS OF LAW

The Board of Adjustment and Appeals determined that the subject property is consistent with Land Use Policy 1.5.1 of the 2010 Comprehensive Plan and Section 10-105 of the City of Tallahassee Land Development Code based on the following:

1. The impact of the subject property's nonconformity is minimal upon surrounding land use and is not detrimental to the health, safety and welfare.

2. The subject property meets the requisite criteria in the City of Tallahassee Land Development Code for issuance of a PELUC Certificate.

3. The subject property's nonconforming status was occasioned by the change in zoning classification exclusively, and not through the actions of the Petitioner.

ORDER

Based upon the findings of fact, conclusions of law, and pursuant to Ordinance 94-O-0024, by Motion and duly seconded, which carried by a vote of 6 in favor to 0 opposed, it is hereby ORDERED:

1. That a Previously Established Land Use Conformity (PELUC) Certificate be issued to the Petitioner with the following conditions:

   a. That an 8 foot high opaque fence be erected east of the rear property line of Lot 13, as shown on Exhibit A attached hereto and made a part hereof, to: buffer the remainder of the adjacent residential lot east of the fence ("adjacent residential lot") from the hair salon; prevent use of the adjacent residential lot for commercial parking; and prevent vehicular access across the residential lot to the commercial site.
   b. That a fence or barrier be constructed along the southern property line to ensure containment of the nonconforming use to the site.
   c. That a unity of title uniting the two lots identified above in Finding of Fact #3 be recorded and recognized by the Leon County Property Appraiser's office.
   d. That changes to the parking lot and spaces for the hair salon resulting from the buffer fence installation be consistent with current code requirements.
   e. That the existing dumpster be relocated consistent with current code requirements.
   f. That the off-site directional sign on Grape Street for the hair salon be removed.
   g. That all conditions be completed within 30 days of the recording of the certificate.

REVISED BY ACTION OF THE CITY COMMISSION PURSUANT TO CITY COMMISSION POLICY 414, SPECIAL MASTER PROCEEDINGS, ON WEDNESDAY, SEPTEMBER 19, 2012.

DONE AND ORDERED this 5TH day of OCTOBER, 2012, nunc pro tunc, September 19, 2012.

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CLERK OF THE CIRCUIT COURT
BOB INZER
UNOFFICIAL DOCUMENT

TVA120005
Page 3

Tallahassee-Leon County
Board of Adjustment and Appeals

By: Jay Bostwick
Jay Bostwick, Chair

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 5th day of October, 2012 by Jay Bostwick, Chair of the Tallahassee-Leon County Board of Adjustment and Appeals, who is personally known to me and who did take an oath.

TAMMY MARIE JIMENEZ
Commission # DD 855564
Expires May 19, 2013
Bonded Thru Troy Fain Insurance 800-385-7019

NOTARY PUBLIC STATE OF FLORIDA

Sign: Tammy Marie Jimenez

My Commission Expires: 5-19-2013

Approved as to form and legal sufficiency:

Roosevelt Randolph, Board legal counsel.

Filed in the City of Tallahassee official records on: 10-5-2012

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CLERK OF THE CIRCUIT COURT OF LEON COUNTY
BOB INZER
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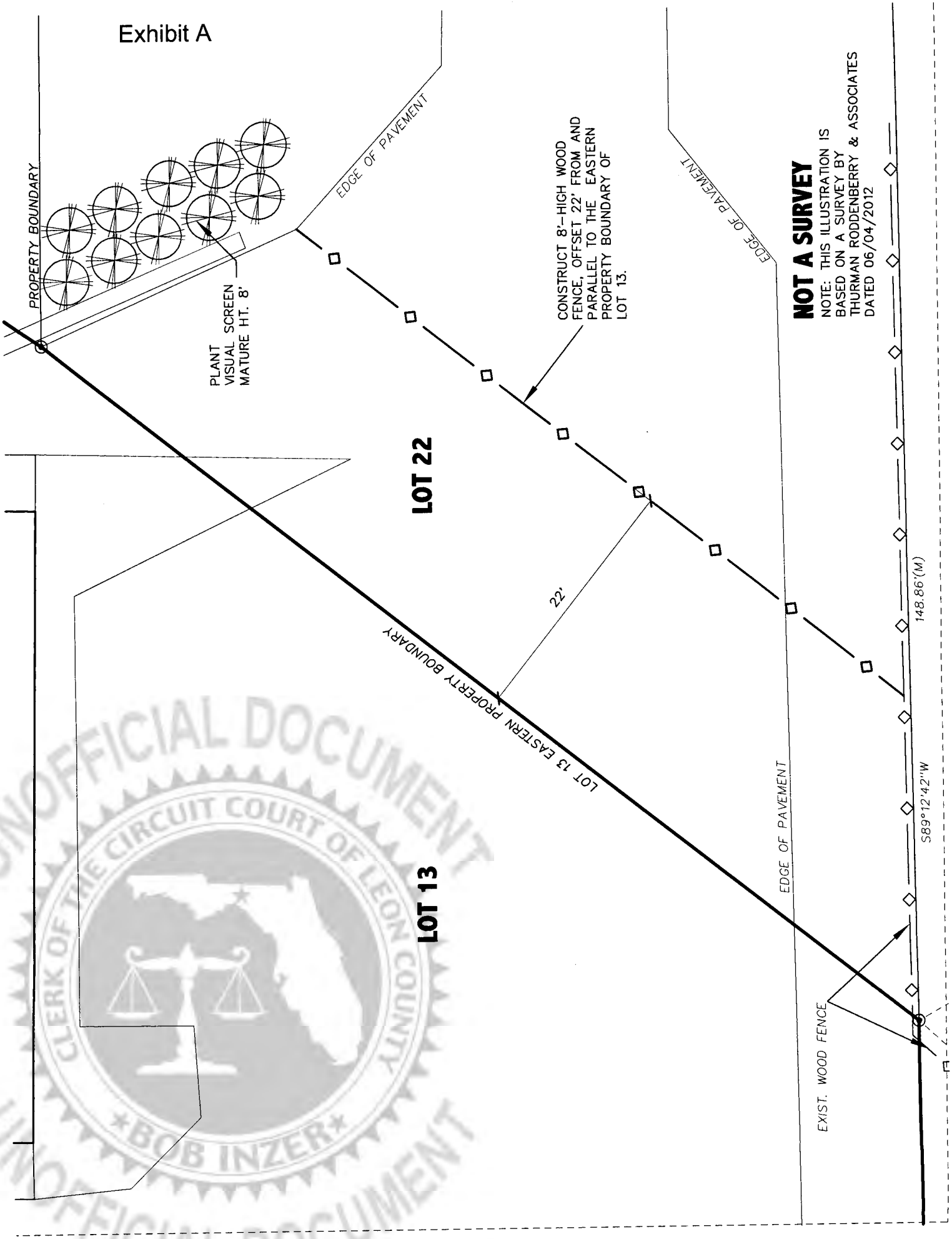

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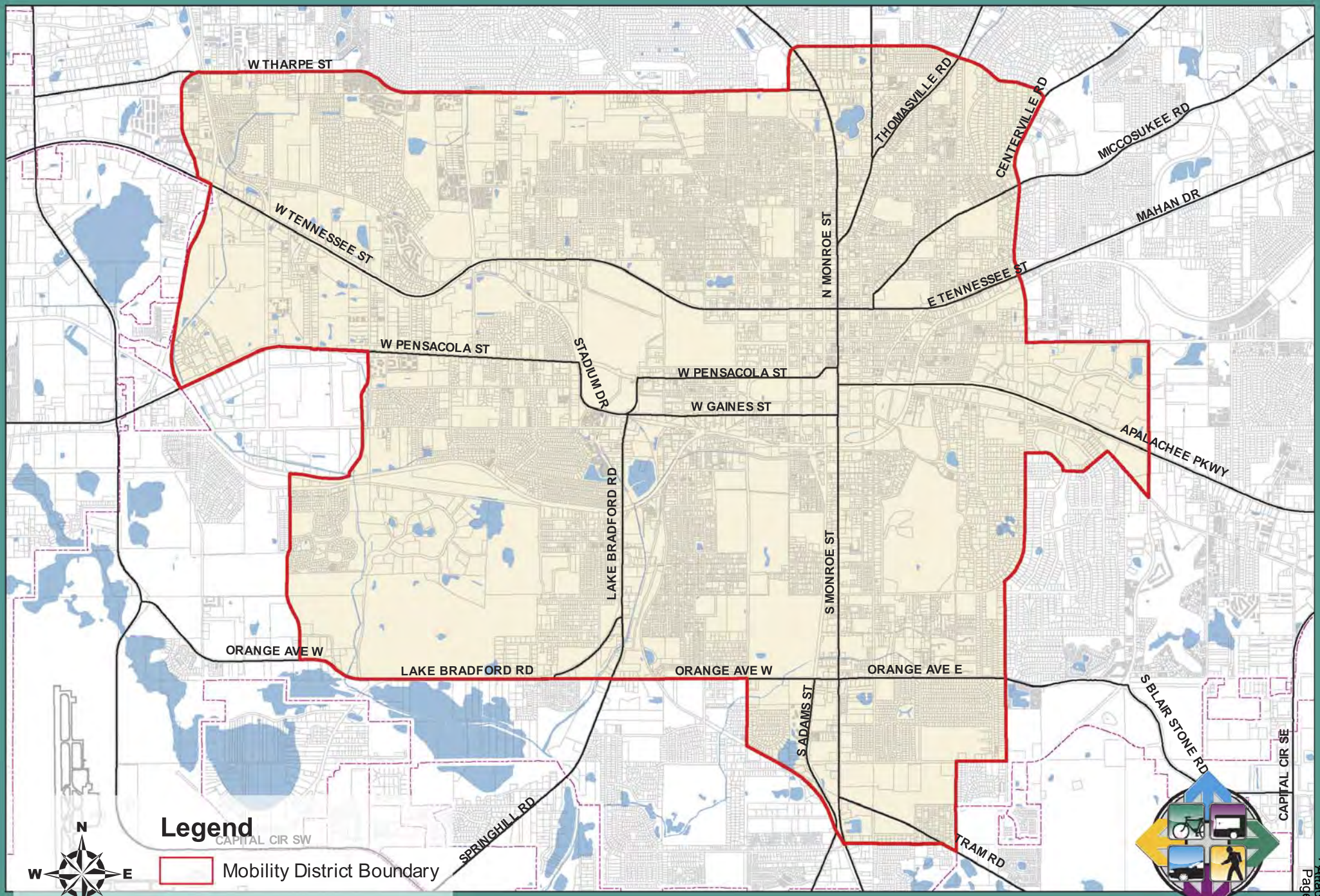
MOBILITY DISTRICT



TALLAHASSEE/LEON COUNTY
MOBILITY DISTRICT

Multimodal Transportation District

In 2007, the Planning Department began the process of developing the Multimodal Transportation District (MMTD). The MMTD is an 18-square mile area (Attachment #3) that encompasses the downtown and surrounding areas of Tallahassee. It is intended to help create a more compact, pedestrian-oriented mixture of neighborhoods and commercial center, allowing independence to those who do not drive; an interconnected network of roadways designed to disperse traffic and reduce the length of automobile trips; and neighborhoods with a range of housing types to accommodate diverse ages and incomes.

The MMTD, also known as the Mobility District, was adopted in 2009, and its implementing development code was adopted in 2011. Compatibility is one of the main goals in creating a successful mix of land uses, and it incorporates many features found in the development standards that are part of NBO.

As stated in Section 10-266 of the Cityôs Land Development Code addressing the NBO zoning district, the development standards for properties located within the MMTD are established within Division 4 (MMTD Development Standards) of this Code. The subject properties are located within the MMTD.

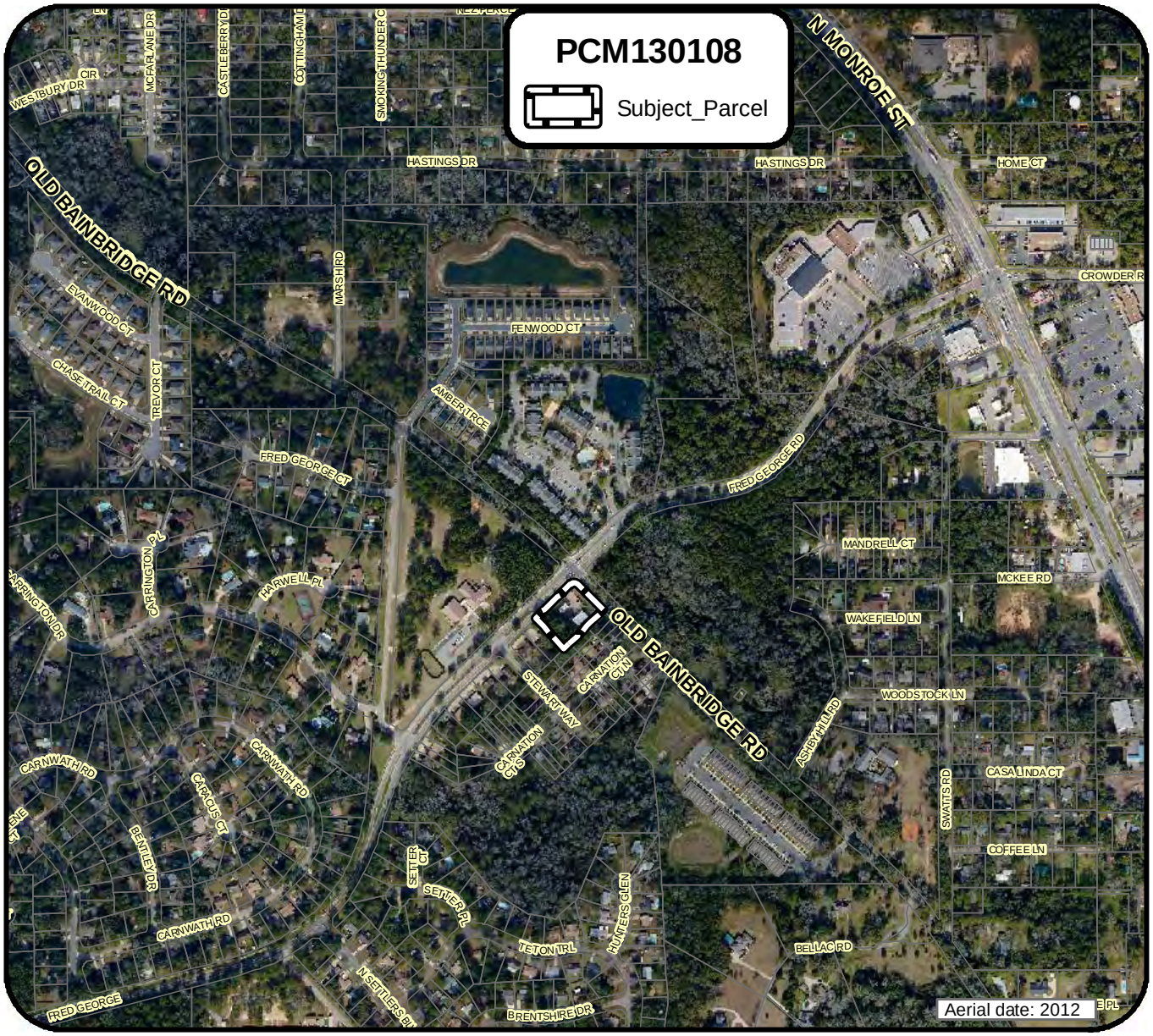
The NBO zoning district intent and permitted uses established under Section 10-266 are not affected by the MMTD Code. However, there are several differences between development standards under the former NBO code and those under that part of the MMTD code that now addresses properties zoned NBO. Commonalities and differences between the two development standards are briefly summarized in the following points:

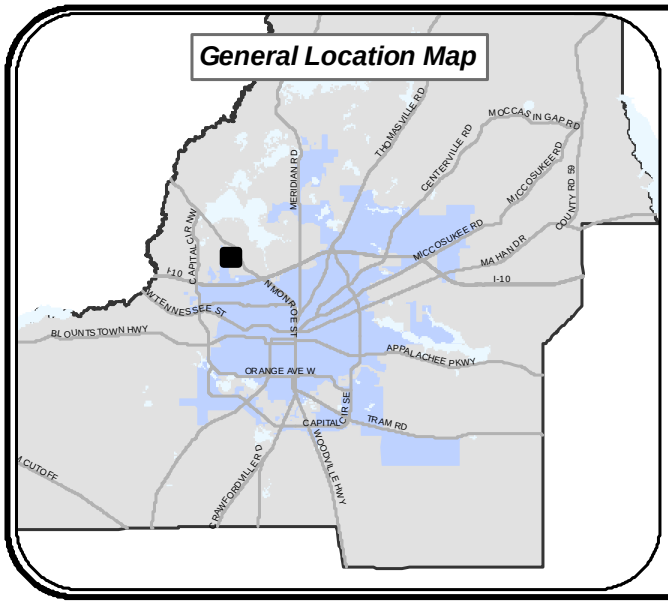
1. Building setbacks are mostly similar.
2. Buffers are required in NBO for townhomes (single-family attached) and minor office uses developed adjacent to existing single-family (detached). An additional, narrower option is available in the MMTD, but buffers are only required for non-residential uses only.
3. The maximum height under MMTD for principal buildings is three stories, whereas under NBO it was two stories. However, RP also allow 35 feet high (3-story) structures, which is why the MMTD code allows 3.
4. The maximum building size for non-residential structures is mostly similar.
5. Building orientation requirements are mostly similar.
6. Lighting standards are similar, but there are additional requirements under MMTD.
7. Street access and interconnections are mostly similar.
8. Fencing and/or screening are mostly similar.
9. Compatibility requirements under NBO were intended to provide a unified sense of place, a pedestrian scale, and design that reflects the general character and scale of typical residential structures in adjacent neighborhoods. MMTD compatibility requirements for structures adjacent to low-density neighborhoods address building height, including requiring setbacks.
10. Signage requirements are mostly similar. However, there are several additional restrictions under NBO.
11. There are several noise, business hours, and solid waste limitation and other requirements in NBO that are not present under MMTD.

A comparison of development standards in Section 10-266 and Division 4 is attached to this report.

ATTACHMENT #16

Staff Report PCM130108





Fred George and Old Bainbridge Road PCM130108

City of Tallahassee

SITE TAX ID#
21-09-47-000-0010

ACRES: 1.0 ±

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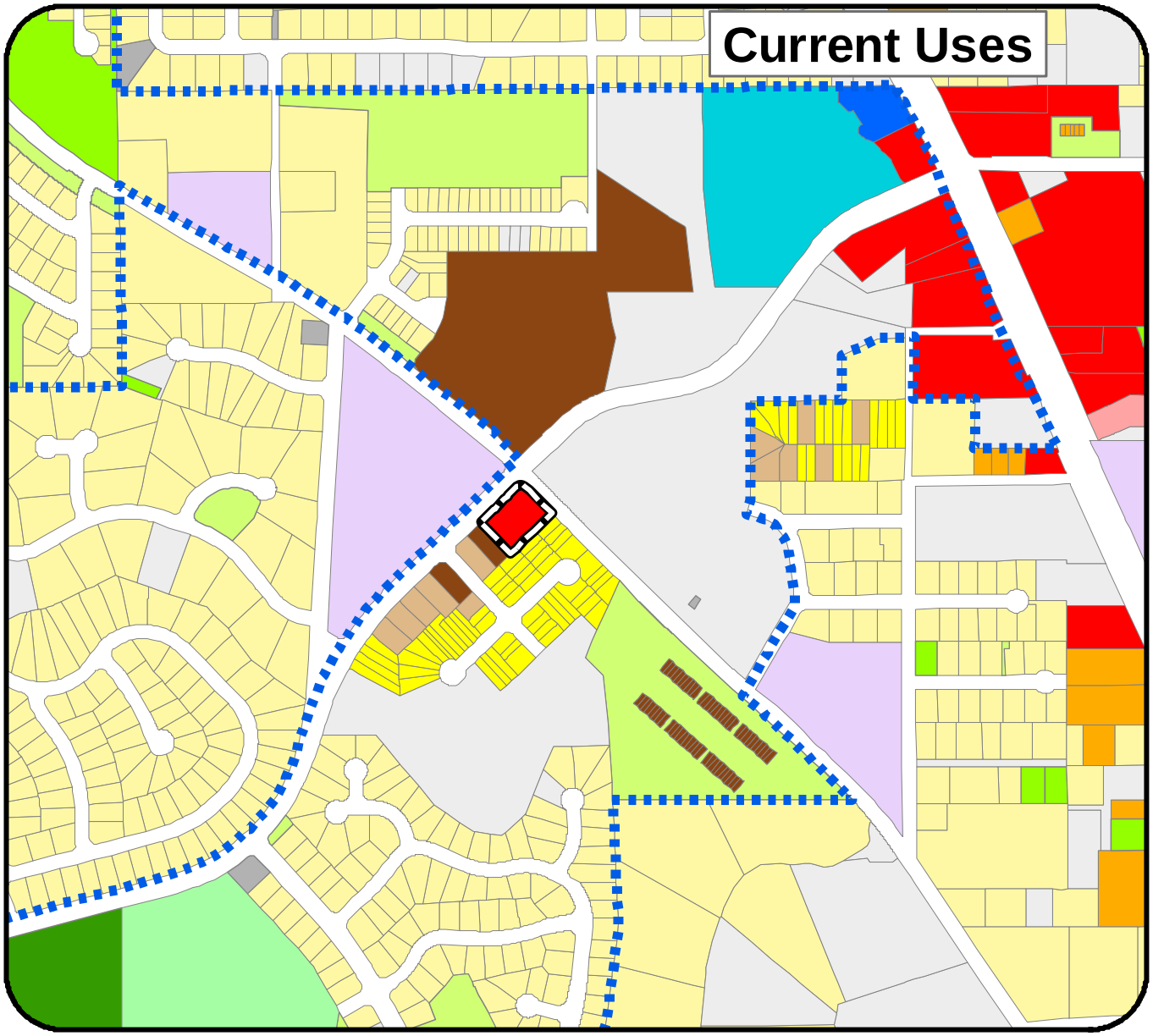
TALLAHASSEE-LEON COUNTY
PLANNING DEPARTMENT



Legend

Subject_Parcel

City Limits

Current Uses (Oct. 2012)

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

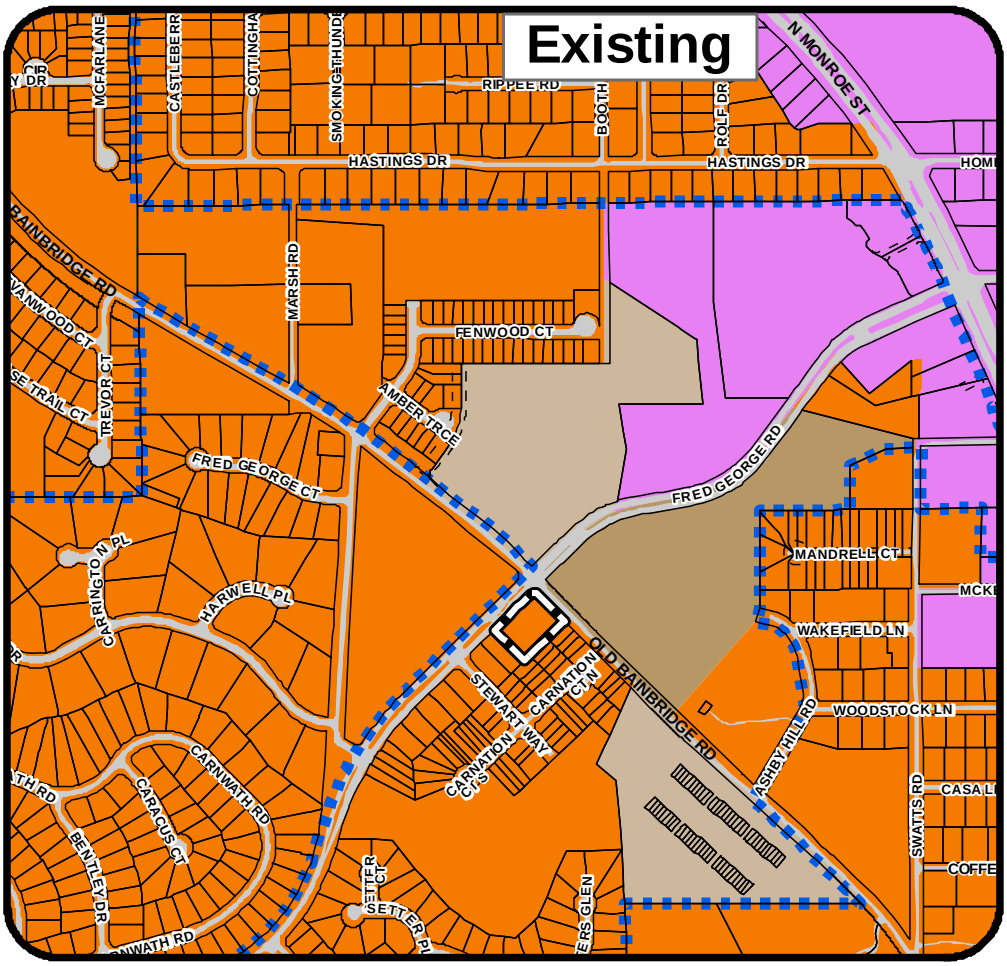
Fred George
and
Old Bainbridge Road
PCM130108

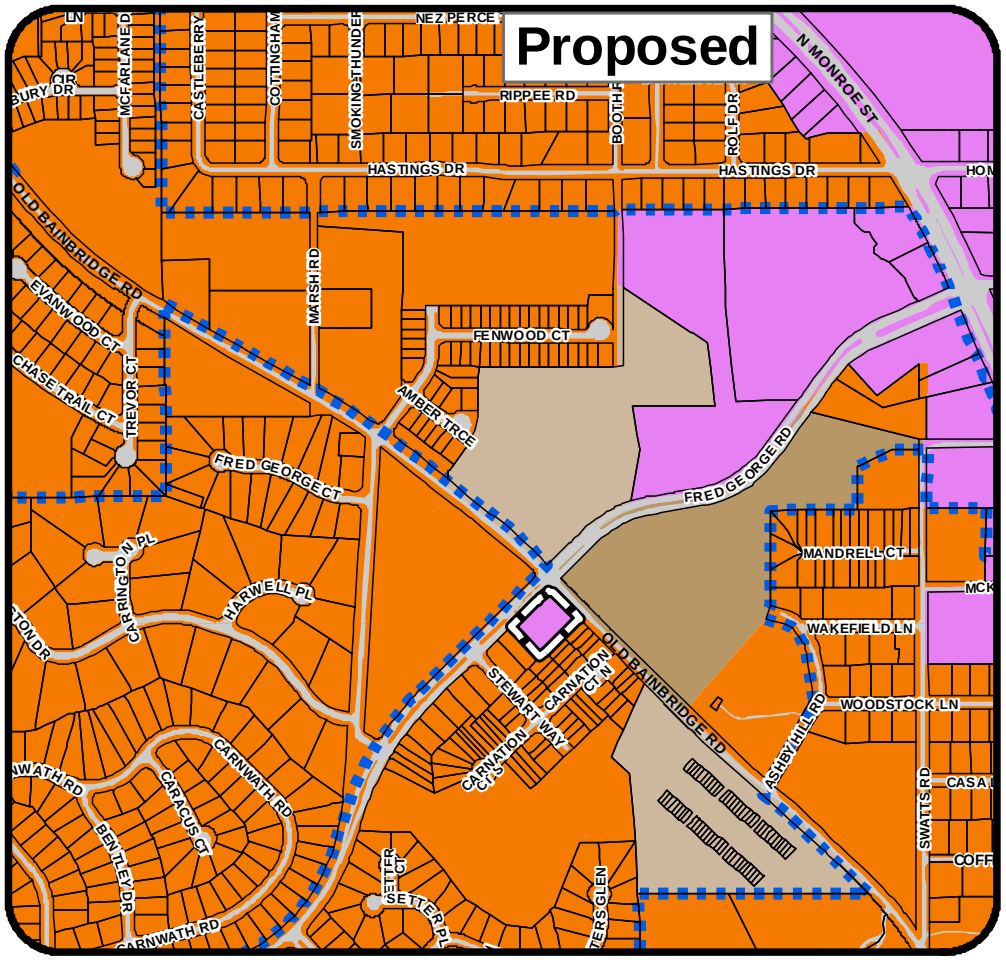
City of Tallahassee

SITE TAX ID#
21-09-47-000-0010
ACRES: 1.0 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT

N W E S





Future Land Use

Legend

- Residential Preservation
- Suburban
- Urban Residential
- Urban Residential 2

Subject Parcel

Fred George and Old Bainbridge Road PCM130108

City of Tallahassee

Existing

Residental Preservation

Proposed

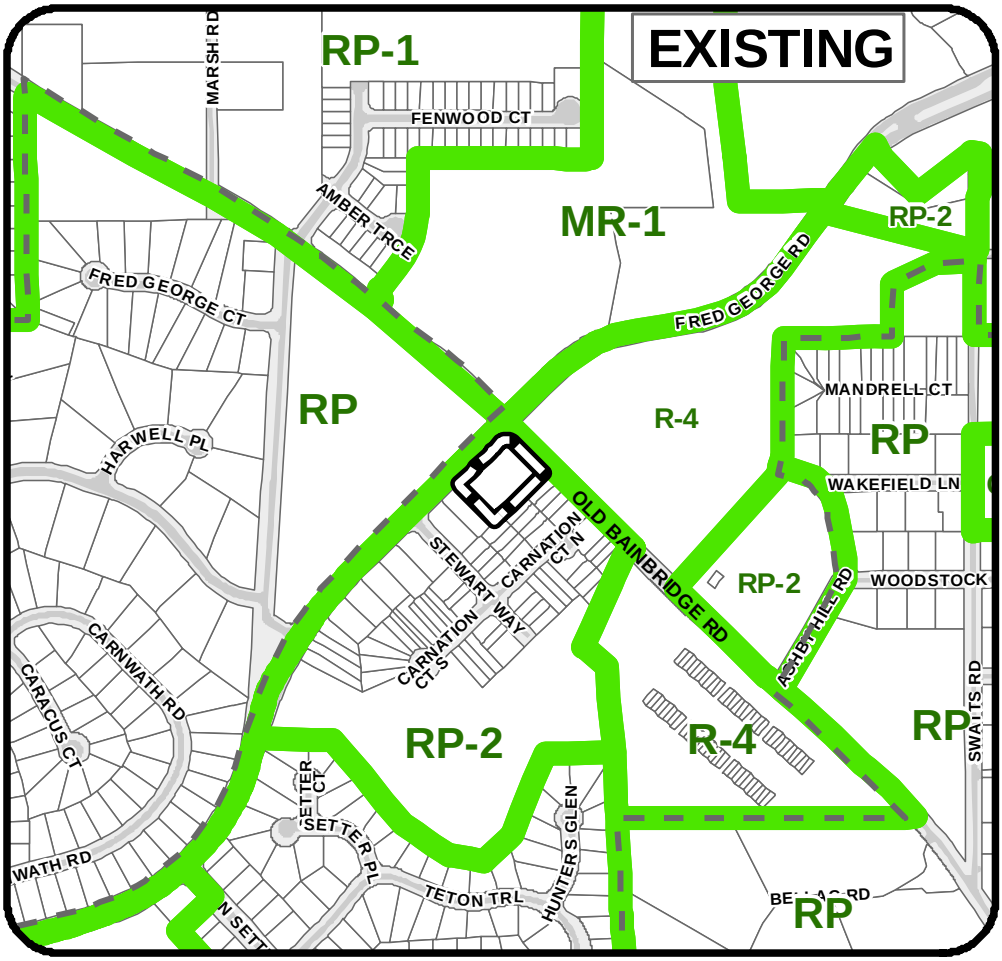
Suburban

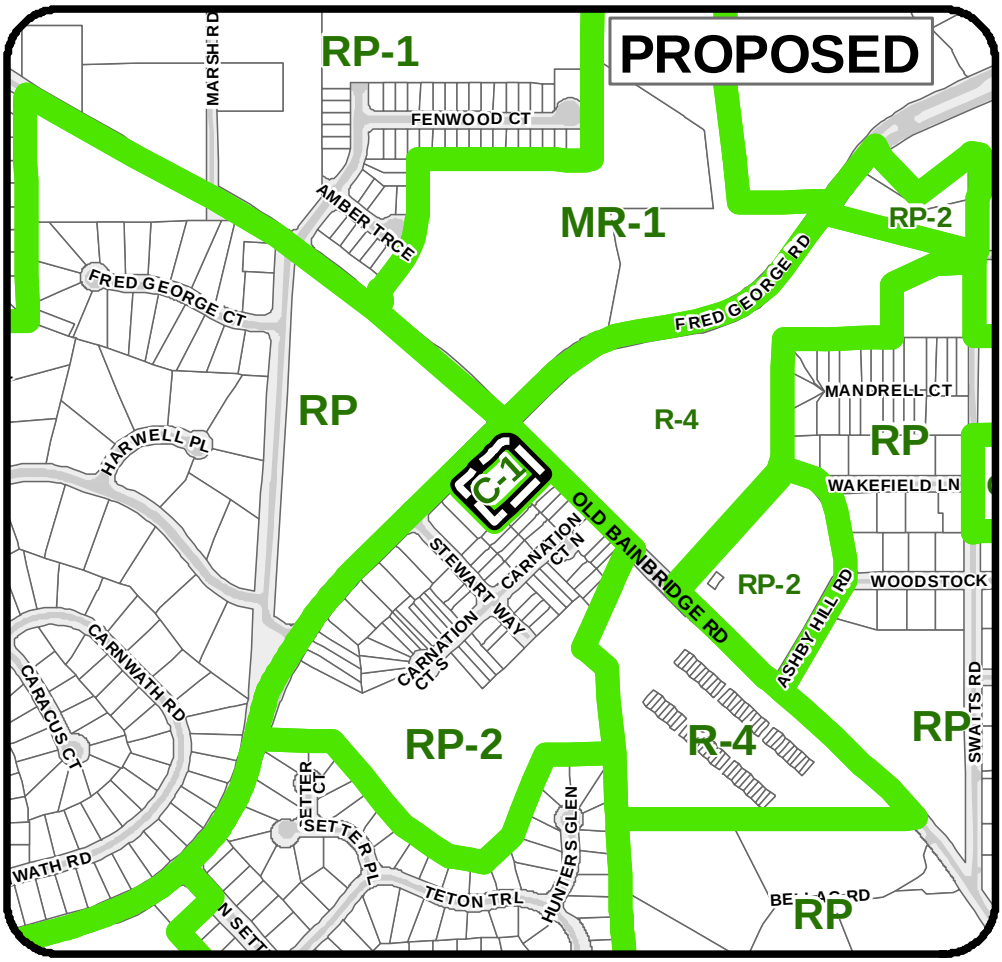
N W E S

SITE TAX ID#
21-09-47-000-0010

ACRES: 1.0 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT





ZONING

Legend

Subject Parcel

zoning

Fred George and Old Bainbridge Road PCM130108

City of Tallahassee

Existing

RP-2
(Residential Preservation-2)

Proposed

C-1
(Neighborhood Commercial)

SITE TAX ID#
21-09-47-000-0010

ACRES: 1.0 ±

TALLAHASSEE LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

MAP AMENDMENT: PCM130108

APPLICANT: City of Tallahassee

TAX I.D. #: 21-09-47-000-0010

CITY X COUNTY _

CURRENT DESIGNATION: Residential Preservation

REQUESTED DESIGNATION: Suburban

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM130108.

A. SUMMARY:

This is a request from the City of Tallahassee, on behalf of the owner, Andrews Enterprises Inc. (Jack Buford, Agent), to change the Future Land Use Map designation from "Residential Preservation" to "Suburban" for an approximately one-acre parcel located on the southwest corner of Fred George Road and Old Bainbridge Road (Attachment #1). This property presently contains a 1,973 square-foot convenience store built in 1987 in accordance with the former Huntington Woods Development of Regional Impact (DRI) development order.

The Huntington Woods DRI was a 944-acre mixed-use development originally approved in 1974, and essentially built-out by 2010. On June 23, 2010, the City Commission rescinded the Huntington Woods DRI development order because it no longer served any useful purpose (See Attachment #2 for complete history). After the development order was rescinded, the Future Land Use Map (FLUM) categories and implementing zoning districts provided the land use regulation for the property within the former DRI.

However, the Residential Preservation FLUM category, and associated Residential Preservation-2 (RP-2) zoning district for the subject property does not accurately reflect the existing (and intended) use of the property as a neighborhood convenience store. The Residential Preservation FLUM and the RP-2 zoning district only permit low density residential land uses and community services. Therefore, the existing convenience store use of the property is a non-conforming use. The non-conforming status of the property allows the convenience store to continue to operate under the existing ownership, but a pending sale of the property would require a new liquor license in order to continue beer sales. A new liquor license cannot be issued in a Residential Preservation zoning district. In addition, the non-conforming status puts other limitations on the property, which may adversely affect the value of the property.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed Suburban land use category and C-1 zoning district reflects the existing development of the property. It is also consistent with the intent of the former Huntington Woods DRI development order to provide a small commercial node at a major intersection to provide nearby residents with the opportunity to purchase convenience goods without leaving the area.

2. The proposed FLUM and zoning change would correct the existing non-conforming status of the convenience store on the site, and therefore, allow the transfer of ownership of the property without adversely impacting the ability of the convenience store to sell beer or be encumbered by other restrictions associated with the legal non-conforming status of the property.

3. The proposed amendment is not anticipated to have adverse effects on public facilities.

C. APPLICANT'S REASON FOR THE AMENDMENT:

The City is requesting this land use change to allow continued use of the property as a neighborhood convenience store. The FLUM change to Suburban and zoning change to C-1 will also make this existing use conforming, which will eliminate encumbrances to the sale of the property.

D. STAFF ANALYSIS

Existing FLUM & Zoning

The 1-acre property has a current Future Land Use Map (FLUM) designation of Residential Preservation and a zoning designation of Residential Preservation-2 (RP-2). The area is within the City and the Urban Service Area. The subject property is not in the Multi-Modal Transportation District

Residential Preservation and RP-2 Zoning
The existing Residential Preservation FLUM designation category is characterized by existing homogeneous residential areas within the community predominantly accessible by local streets. The primary function of this category is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions.

Future development primarily will consist of infill due to the built out nature of the areas. Commercial, office, and industrial land uses are prohibited. Future arterial and/or expressways should be planned to minimize impacts within this category. Single family, townhouse and cluster housing may be permitted within a range of up to six units per acre. Consistency with surrounding residential type and density shall be a major determinant in granting development approval intended for community services, infrastructure, and state and federal government facilities.

The subject property is currently zoned Residential Preservation 2 (RP-2). The RP-2 Zoning District is intended to apply to residential development in areas designated "Residential Preservation" on the Future Land Use Map, preserving the low density

residential character of single-family, two-unit townhouse, and duplex residential development, protecting from incompatible land uses, and prohibiting densities in excess of six (6.0) dwelling units per acre. RP-2 zoning also allows passive and active recreation, community services, and light infrastructure. The RP-2 zoning would allow 6 dwelling units on the subject property.

Proposed Land Use and Zoning

Suburban Land Use

The Suburban land use category recognizes the manner in which much of Tallahassee-Leon County has developed since the 1940s. It is intended to create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. Employment opportunities are intended ideally to be located near residential areas, if possible within walking distance.

This category predominantly consists of single-use projects that are interconnected whenever feasible. Mixed use projects and the principles of traditional neighborhood developments are encouraged, though not required. The Suburban category is most suitable for those areas outside of the Central Core. However, additional areas inside the Central Core may be designated as appropriate based on existing land use pattern.
To complement the residential aspects of this development pattern, recreational opportunities, cultural activities, commercial goods and services should be located nearby. To reduce automobile dependency of residents and employers alike, mass transit stops should be located at large commercial centers and appropriate street and pedestrian connections established between commercial and residential areas. Except within mixed use centers, larger scale commercial development should be buffered from adjacent residential neighborhoods.

Development is required to comply with the Suburban Intensity Guidelines, which would limit development based on the development pattern. The development pattern for the subject property would be Suburban Corridor, which limits commercial development to 25,000 square feet per acre.

The Suburban category allows higher density housing up to 20 dwelling units per acre and a wide variety of office and commercial uses. The maximum number of units on 1 acre is 20 residential units and 25,000 square feet of non-residential uses [calculated at 25,000 square feet per acre].

Neighborhood Commercial Zoning

The C-1 district is intended to be located in areas designated Suburban on the Future Land Use Map of the Comprehensive Plan and shall apply to suburban areas with direct access to collector or arterial roadways located within convenient traveling distance to one or more neighborhoods, wherein small groups of retail commercial, professional, office, community and recreational facilities and other convenience commercial activities are permitted in order to provide goods and services that people frequently use in close proximity to their homes.

The C-1 district is intended to provide shopping for residential areas without requiring access to arterial roadways, thereby providing more convenient shopping for area residents and preserving the capacity of the arterial roadway network. The provisions of this district are intended to encourage commercial development that is compatible in scale and design with surrounding residential uses and, therefore, the district limits the maximum size of individual buildings.

The C-1 district is not intended to accommodate large scale commercial or service activities or automotive or other types of more intensive commercial activity. The maximum gross density allowed for new residential development in the C-1 district is 16 dwelling units per acre, with a minimum gross density of 8 dwelling units per acre, unless constraints of concurrency or preservation and/or conservation features preclude the attainment of the minimum density. The residential uses are required to be located on the second floor or above a building containing commercial or office uses on the first floor. Mixed use projects in the C-1 district are encouraged, but are not required.

In order to maintain compact and nonlinear characteristics, C-1 districts shall not be located closer than ¼ mile to other C-1 or C-2 districts or to parcels containing commercial developments including more than 20,000 gross square feet of floor area and shall not exceed 15 acres in size.

Major Planning Issues

1. *Suburban FLUM and C-1 rezoning will implement the efficient land use pattern approved in the Huntington Woods DRI.*

The subject parcel is centrally located within the former Huntington Woods DRI and traffic to the site is concentrated on major roadways (Fred George Road and Old St. Augustine Road). Because of the central location and the accessibility of the site, it was designated in the Huntington Woods DRI for a small commercial development, predominately for the use of residents in the Huntington Woods DRI.

The intended land in the development order for the subject parcel of a small-scale commercial use was implemented through the 1981 Leon County rezoning of the subject property from a medium density residential category to a commercial zoning district with, what was termed at the time, “a limited use site plan”. In this context, a “limited use site plan” meant that some uses from the neighborhood commercial zoning district were permitted and others were not.

Specifically, large traffic generating uses such as restaurants, cocktail lounges and movie theatres were not permitted uses.

After the property was annexed by the City of Tallahassee in 1985, the city adopted an ordinance that allowed the same uses that were previously allowed by the county. In 1986, in accordance with the Huntington Woods development order and the associated rezonings, a 1,973 square foot convenience store with fueling facilities was constructed on the site.

Four years after the site was developed, the subject site was included in the Residential Preservation FLUM in the Comprehensive Plan, and it was subsequently rezoned to RP-2 zoning district. However, it was still under the purview of the Huntington Woods DRI development Order, which established a small-scale commercial use for the subject property.

However, in 2010 when the Huntington Woods development order was rescinded, and the land use regulations, including the Comprehensive Plan FLUM category of the subject parcel, did not reflect the intent of the original Huntington Woods development order. The proposed amendment and associated rezoning return the land use designation to reflect the original intent of the Huntington Woods DRI for the subject parcel.

2. The continued operation of the convenience store on the subject parcel as a non-conforming use would be a hardship on the owner of the subject parcel.

The convenience store that exists on the subject parcel is a non-conforming use. A non-conforming use is a use that conformed to the zoning regulations at the time it was built, but no longer conforms to the existing zoning regulations because of changes to the zoning regulation or the zoning district. The use on the subject property is non-conforming because it was rezoned to RP-2 consistent with the Residential Preservation FLUM adopted in the Comprehensive Plan (see Attachment 2).

In accordance with provisions of Sections 10-78 and 10-79 of the City of Tallahassee Land Development Code, a non-conforming use can continue to exist indefinitely, unless it loses it non-conforming status by going out of business for a year or more (with some exceptions), or it illegally expands or changes use, or when remodeling or reconstruction of the structure exceeds 50% of the value of the structure. These limitations on non-conforming properties adversely affect the value of the property, and may affect its property insurance rates.

In addition, the sale of alcoholic beverages is not addressed by Sections 10-78 and 10-79 of the City of Tallahassee Code of Ordinances. Therefore, the City of Tallahassee will not certify to the State of Florida liquor license application that the zoning requirements have been meet for the sale of alcoholic beverages for a business that is a non-conforming use in a Residential Protection zoning district. Without the City certification of zoning compliance, the State will not issue a liquor license.

The existing convenience store on the subject property can sell beer under the license it was issued prior to the 1992 zoning change to RP-2 zoning district. However, when the property is sold, the new owners will be required to obtain a new liquor license, which will not be issued

until the non-conforming status of the property is resolved. According to the agent for the property owner of the subject property, a pending sale for the subject site will not go forward if the new owners cannot obtain a new liquor license for the continued sale of beer and associated malt beverages. Without the sale of beer at this location, the continued operation of convenience store is not viable.

There are two methods to eliminate the non-conforming status of the subject property. The most expeditious method is through the granting of a waiver by the Board of Adjustment and Appeals that deems a non-conforming use, developed prior to the adoption of the Comprehensive Plan, to be a conforming use. The non-conformity waiver is called a "previously existing land use certificate", or PELUC. The requirements for a PELUC are contained in Section 10-104 of the Land Development Code.

However, a PELUC is not the best solution for the subject property for two reasons. First, the PELUC would prohibit the redevelopment of the property to any use other than the existing convenience store. In the future, as the Huntington Oaks area becomes more vibrant and walkable through the Huntington Oaks Placemaking initiative, the subject site could be more viable if it were redeveloped with a use less oriented to the automobile, such as a small restaurant or personal service business. A PELUC would not allow the flexibility for the owners to change the use of the subject property as the Huntington Woods area evolves.

The other limitation of a PELUC would be that any re-development or expansion would be subject to the development standards (setback, height imperious coverage etc.) of the RP-2 zoning district. The RP-2 development standards were formulated to apply to low density residential and community service land uses, and as such, are not applicable to commercial development. Since there are no commercial development standards in the RP-2 zoning district, it is unclear if residential or community service development standards would apply to commercial redevelopment of the subject site. In either case, the extensive setbacks and strict restrictions on impervious area would make the commercial redevelopment of the site very challenging.

The second method for eliminating the non-conforming status of the subject property is to adopt the proposed Comprehensive Plan amendment. A Comprehensive Plan amendment cannot be accomplished as quickly as a PELUC, but it does not have any of its disadvantages related to non-conforming structures. The proposed Comprehensive Plan amendment, once adopted, will allow the use of the structure to change or expand in accordance with the regulations and development standards of the Suburban FLUM and the C-1 zoning district.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features:
   The one-acre subject site is an existing convenience store with fueling facilities. The building parking and solid waste collection portion encompasses approximately one-third of the site. The remainder of the site consists of light landscaping along Fred George Road, and significant landscaping along Old Bainbridge Road, a designated Canopy Road. In addition, there is a substantial wooded buffer between the developed portion of the property and existing townhome development to the south and west.

The Canopy Road protection zone is the only known environmentally sensitive feature in the subject area.

2. Water/Sewer:
According to the City of Tallahassee, adequate sanitary sewer and water exist at the site; and adequate capacity is available to serve the existing building and future development.

3. Transportation:
Roadways: The site is presently developed and it is not anticipated that the proposed FLUM change and rezoning will result in additional impacts to the roadway network. If the site were to attempt redevelop in the future to a more intense use, it would be subject to transportation concurrency regulations. The major segments of roadways that could be affected by future redevelopment are Fred George Road, a major collector, and Old Bainbridge Road, a minor arterial and a Canopy Road.

Through the existing Significant Benefit program and the potential development of a Mobility Fee System, the requisite planning will continue to occur to address transportation needs into the future including identification of roadway and other multi-modal projects. Nothing in the proposed amendment would exempt it from being assessed by the local government under either approach.

Transit Availability: StarMetro's Forest bus route runs along this portion of Fred George Road every 20 minutes during weekdays and Saturdays.

Bicycle/Pedestrian Facilities Availability: No sidewalks exist along Fred George Road, except on the north side of the roadway, between Old Bainbridge Road and Stewart Way. There are no sidewalks presently along Old Bainbridge Road, but sidewalks are programed for inclusion south of Fred George Road in the Leon County Sales Tax program priorities.

There are presently no bicycle lanes along Fred George Road or Old Bainbridge Road.

4. Schools:

The site is zoned for Springwood Elementary, Griffin Middle School, and Godby High School. Since the site is already developed commercially, it is not anticipated that the site would have an impact on school capacity. In the unlikely event that the site redevelops as a residential project in the future, as a one acre site with a maximum density of 20 units an acre; the redevelopment would have a minimal impact on school capacity. Finally, school concurrency calculations will be conducted in the future if a residential subdivision or site plan for subject site is submitted.

5-Year Capital Improvements Projects:

None.

F. VESTED / EXEMPT STATUS:

The previous Huntington Woods DRI development order was exempt from consistency and concurrency requirements by ordinance. However, when the development order for the Huntington Woods DRI was rescinded in 2010, the consistency and concurrency exemption was eliminated for the Huntington woods DRI, including the subject site.

G. CONCLUSION:

Based on the above data and analysis, staff concludes the following:

1. The proposed Suburban land use category and C-1 zoning district reflects the existing development of the property. It is also consistent with the intent of the former Huntington Woods DRI development order to provide a small commercial node at a major intersection to provide nearby residents with the opportunity to purchase convenience goods without leaving the area.

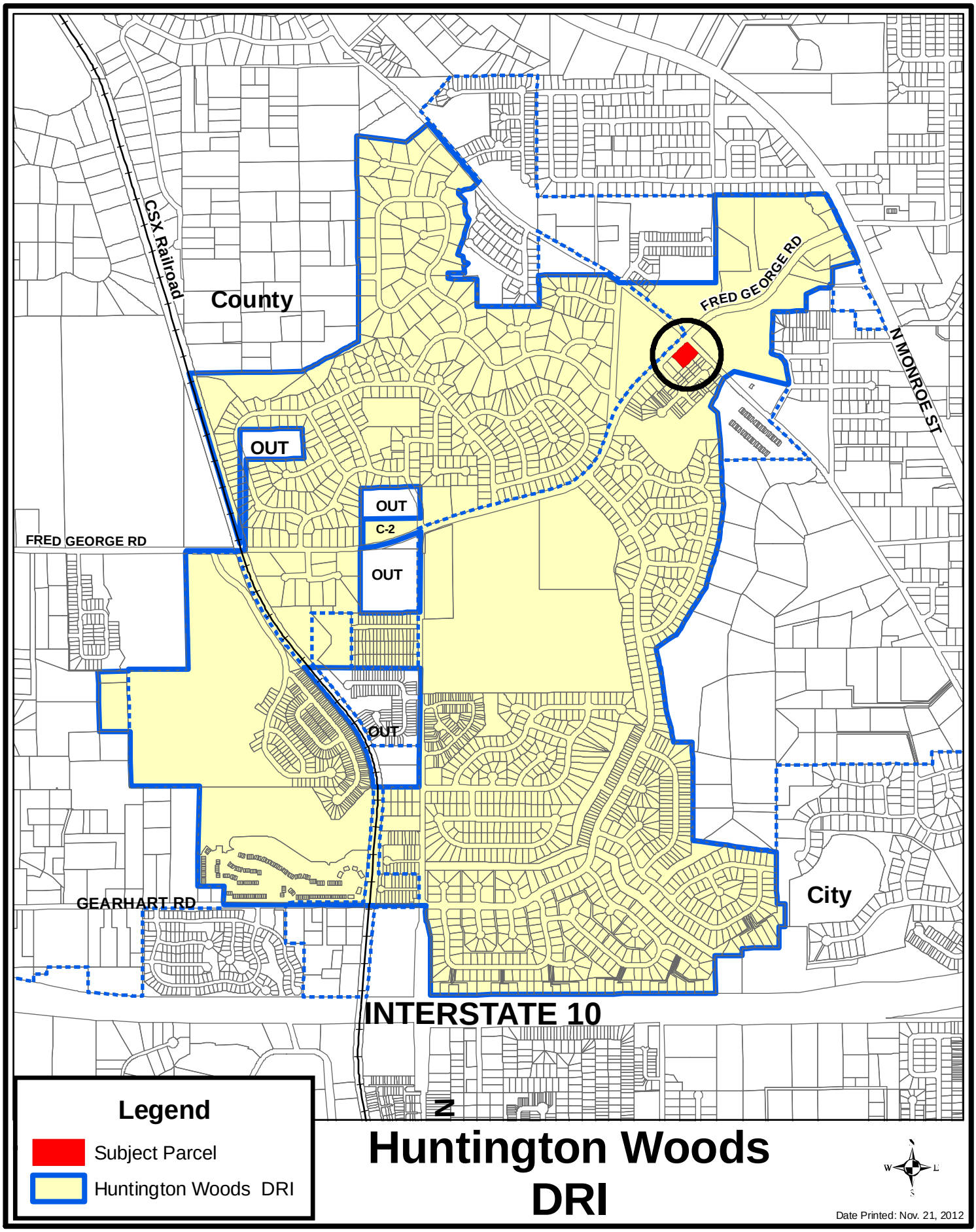
2. The proposed FLUM and zoning change would correct the existing non-conforming status of the convenience store on the site, and therefore, allow the transfer of ownership of the property without adversely impacting the ability of the convenience store to sell beer or be encumbered by other restrictions associated with the legal non-conforming status of the property.

3. The proposed amendment is not anticipated to have adverse effects on public facilities.

Thus, based on the data, analysis, and conclusions, staff is recommending approval of this amendment.

H. ATTACHMENTS:

Attachment #1: Map of Huntington Woods DRI.
Attachment #2: Regulatory history of subject site


CSX Railroad
County
FRED GEORGE RD
N MONROE ST
OUT
OUT
C-2
OUT
FRED GEORGE RD
OUT
GEARHART RD
City
INTERSTATE 10
Legend
Subject Parcel
Huntington Woods DRI
Huntington Woods
DRI
Date Printed: Nov. 21, 2012

History

The following is the regulatory history of the subject property that is useful in understanding the planning issues associated with the proposed FLUM change, and associated rezoning.

Pre-1970: The subject property was in the A-1 (agricultural) zoning district in Leon County

December 18, 1973: The subject property was rezoned to the RM-1 (medium density residential) zoning district.

May 14, 1974: The development order for the Huntington Woods development-of-regional-impact was adopted by Leon County.

November 24, 1981: Leon County rezoned the property from RM-1 to C-1 (light commercial) with a limited use site plan. The C-1 with a limited use site plan allowed retail food and grocery use and other retail and office uses. It removed as permitted uses more intense traffic generating uses from the C-1 zoning district such as movie theatres or cocktail lounges. Motor fuels sales were permitted restricted use, in the C-1 zoning district with a limited use site plan proved the motor fuel facilities were ancillary to the retail grocery sales.

1985: Much of the Huntington Woods DRI (including the subject property) was annexed into the City of Tallahassee.

December 10, 1986: The subject property was rezoned by the City of Tallahassee to C-1 with a limited use site plan. The principal and restricted permitted uses were exactly the same as in the county zoning district.

1987: A convenience store with fueling facilities was constructed on to the site.

July 19, 1990: The Tallahassee-Leon County Comprehensive Plan was adopted by the City of Tallahassee and Leon County. In the Comprehensive Plan, the subject property and the surrounding area was placed in the Residential Preservation Future Land Use Preservation category.

February 23, 1992: The zoning ordinance implementing the Comprehensive Plan was adopted by the City of Tallahassee. The subject property was re-zoned from C-1 with a limited use site plan to the Residential Preservation-2 (RP-2), a low density residential zoning district.

September 25, 2002: A development order for the City's portion of the Huntington Woods DRI was adopted by the City of Tallahassee.

August 4, 2010: The City of Tallahassee rescinded the Huntington Woods DRI development order.

ATTACHMENT #17

Staff Report PCT130109

TEXT AMENDMENT #: PCT130109

APPLICANT: Leon County Board of County Commissioners

TEXT/POLICY I.D. #:
Policy 1.3.1 [C], 1.3.2 [C] , 1.3.3 [C] , 1.3.4 [C] , 1.3.5 [C] , 1.3.6 [C] , 1.3.7 [C] , 1.3.8 [C] , 1.3.12 [C] , 1.3.13 [C] , 1.3.14 [C] , and 1.3.15 [C]

CITY _X_ COUNTY _X_

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCT130109

A. SUMMARY:

The requested amendment removes the Comprehensive Plan requirement for significant and severe grade regulations inside the Urban Service Area. Requirements outside the Urban Service Area are unchanged. The amendment also provides authorization for, but does not require, some level of grade regulation in the Land Development Code that is appropriate for fostering compact urban development inside the Urban Service Area. The goals of the amendment are to provide flexibility in the protection of steep grades, help direct development and growth to inside the Urban Service Area, and further the protection of lands outside of the Urban Service Area.

The Leon County Board of County Commissioners initiated this amendment on May 8, 2012 (Item #20). The motion approved 7-0 was to "Direct PLACE Staff to initiate the Comprehensive Plan amendment process to remove the slope regulation provisions inside the Urban Service Area."

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The amendment fulfills specific direction from the Board of County Commissioners to remove steep grade regulations inside the Urban Service Area.
2. The amendment fulfills the consensus recommendation by the Minimum Countywide Environmental Standards Citizen's Committee to provide different steep grade regulations for properties inside versus outside the Urban Service Area.
3. The companion County Land Development Code provisions retain protections for steep grades near sensitive environmental features.
4. The amendment and companion Land Development Code provisions provide a policy option to increase flexibility in the regulation of steep grades that is based on current recommendations from a citizen committee and elected officials. This increased flexibility is constant with the Comprehensive Plan goals of fostering growth inside the designated Urban Service Area

C. EXISTING TEXT/POLICIES:

See Attachment #1

D. PROPOSED TEXT/POLICIES:

Attachment #1 includes all proposed amendments in legislative format and provides staff notes describing each change.

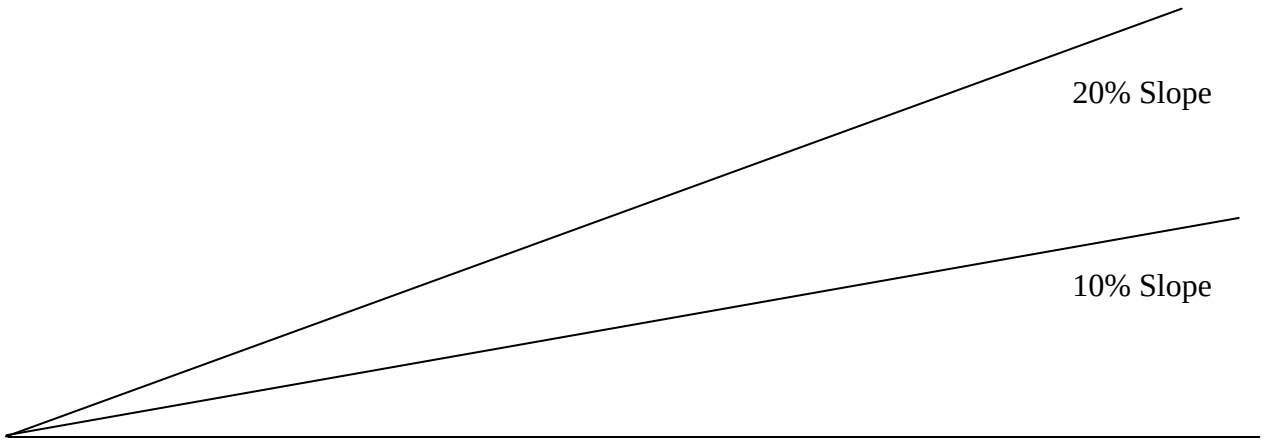
E. APPLICANT'S REASON FOR THE AMENDMENT:

Direction for staff to submit this amendment request was provided by the Leon County Board of County Commissioners at their May 8, 2012 regular meeting (Item #20). The motion approved 7-0 was to "Direct PLACE Staff to initiate the Comprehensive Plan amendment process to remove the slope regulation provisions inside the Urban Service Area."

Planning Department staff worked with the Leon County Development Support and Environmental Management Department and the City of Tallahassee Growth Management Department to develop the proposed language to implement the Board direction. Removing the differences in the City and County policies regarding the regulation of significant and severe grades also allowed staff to unify several "County Only" and "City Only" policies to reduce redundancy in the Comprehensive Plan and provide for increased clarity and readability.

F. STAFF ANALYSIS

In this report the term "steep grade" is utilized to discuss significant grades and severe grades together. However, the Comprehensive Plan does treat these two types of grades quite differently, as provided in the existing policy language in Attachment #1. Generally, you are allowed to disturb up to 50% of significant grades (10-20% slope) on a development site and you are not allowed to disturb severe grades (over 20% slope). For reference, lines with 10% slope and 20% slope are provided below.



History

Since the City adoption of off-site mitigation options for significant grades in 2004, three different citizen committees have reviewed the steep grade provisions in the Comprehensive Plan. A summary of the work conducted by each group is included below along with the names of the citizens that participated in each group.

2005 City Focus Group
Since late 2003, the City Commission has expressed interest in investigating regulations that potentially inhibit the 18-hour downtown concept and the Comprehensive Plan policies that encourage higher density development inside the Urban Service Area. In March of 2005, the City Commission directed staff to focus on four "community standards" for potential amendment. One of these community standards topics was regulation of steep slopes as conservation/preservation features.

On April 20, 2005, the City Commission directed staff to establish a focus group to review the regulation of slopes. The membership of this focus group included:

- Tom Asbury
- Zoe Kulakowski
- Cliff Lamb
- Laurie Dozier
- Charles Pattison
- Nancy Miller

The focus group provided comments on their views of the purpose and intent of slopes regulation (Attachment 4). These comments were presented to the Long Range Target Issues Committee (Commissioners Mustian and Gillum) on September 28, 2005. Work with the slopes focus group was then discontinued after Florida Senate Bill 360 became effective. The 2005 legislation marked the most significant changes in Florida's growth management laws since 1985. Staff resources were reallocated to work on implementation of the complex requirements imposed on local governments. However, in 2009 staff did bring forward an amendment to address redevelopment and infill goals in the Downtown area. The amendment, adopted on October 13, 2009, created the Downtown Overlay and exempted all development with in this area from the significant and severe slope policies in the Comprehensive Plan.

2005 County Blue Ribbon Committee
On June 8, 2004, the Board of County Commissioners directed staff to review the permitting process and recommend revisions to streamline the process. As a result, the Board conducted a workshop on permit process and development initiatives on April 26, 2005 and voted to establish a Blue Ribbon Committee, also known as the Growth and Environmental Management Permitting Process Improvement Citizen Focus Group. The following individuals were appointed to the focus group:

- Wendy Grey
- Terry Fregley
- Ted Thomas
- Carolyn Bibler
- Rick Bateman
- Carman Green
- Kathy Archibald
- David Walmsley
- Russell Price
- Ben Wilkinson Jr.
- Nancy Miller
- Millard Noblin
- Pam Hall
- Neil Fleckenstein.

The Blue Ribbon Committee reviewed the issues identified in the April 26, 2005 workshop item, including slopes regulations, and their recommendations were presented to the Board during an April 11, 2006 workshop. The recommendations specific to slopes regulation are provided in Attachment #4. On April 25, 2006, the Board ratified their actions taken at the April 11, 2006 Workshop, directing staff "to initiate amendments to the Comprehensive Plan, specifically with regard to slopes protection and regulation, utilizing the guidance criteria as recommended by the GEM Focus Group." Implementation of this direction was discontinued after Florida Senate Bill 360 became effective. The 2005 legislation marked the most significant changes in Florida's growth management laws since 1985. Staff resources were reallocated to work on implementation of the complex requirements imposed on local governments.

2011 Minimum Countywide Environmental Standards Citizen's Committee

On August 17, 2010, the Board of County Commissioners adopted an Ordinance to implement a Charter Amendment entitled "Minimum Countywide Environmental Regulations as Proposed by the Citizen Charter Review Committee." The Amendment was placed on the November 2, 2010 general election ballot, and with voter approval (61.47% of the vote), the proposal passed, effective April 1, 2011. A two-phased approach to implementation was approved by the Board. Phase one was completed on March 15, 2011 with the Board's adoption of an Ordinance providing for countywide stormwater treatment and protection standards. Phase two included coordinating with a Board-appointed Citizen's Committee and City staff to integrate all remaining County and City environmental regulations into one recommended Minimum Countywide Environmental Regulations Ordinance, adopted by the Board on May 8, 2012.

The Minimum Countywide Environmental Standards Citizen's Committee members included:

- Roger Wynn
- Carmen Green
- Pamela Hall.
- Cliff Lamb
- Judy Hayden

On December 2, 2011 the Committee addressed significant slopes regulations. The Committee acknowledged that in order to allow for relaxation of the slopes regulations in specific circumstances, a Comprehensive Plan amendment would be required. The Committee also determined that this Comprehensive Plan amendment would need to reflect different slopes regulations for properties inside versus outside the Urban Service Area. The consensus of the Committee was to accept the staff recommendation, and to support the required Comprehensive Plan amendment, including the caveat that the standards would be different for properties inside versus outside the Urban Service Area. Summary minutes of this meeting are included as Attachment #6.

On May 8, 2012 the Board adopted the Minimum Countywide Environmental Standards ordinance and directed staff to initiate the Comprehensive Plan amendment process to remove the slope regulation provisions inside the Urban Service Area.

Analysis of Proposed Text

Attachment #1 includes all proposed amendments in legislative format and provides staff notes describing each change.

The fundamental concept of the requested amendment is provided in the proposed text addition to Conservation Policy 1.3.2 (e), "…in order to help direct development and growth to inside the Urban Service Area and further the protection of lands outside of the Urban Service Area, significant grade regulations are not required by the Comprehensive Plan within the Urban Service Area. Land development regulations may provide protection appropriate for more compact urban development inside the Urban Service Area for significant grades near wetlands, water bodies, watercourses, floodways, floodplain, and karst."

County staff has prepared draft amendments to the Land Development Code. The code amendment establishes a system for the protection of significant and severe grades that are within 100 feet of wetlands, water bodies, watercourses, floodways, floodplain, and karst features. This effectively deregulates steep grades that are not within 100 feet of the designated environmental features, while continuing protection of steep grades that would be most at risk for impacting water quality through erosion associated with construction activity. The 100 foot protection area around sensitive environmental features is consistent with the 100 foot buffers utilized for the Lake Lafayette and Lake McBride Special Development Zones. The draft code changes for the County are provided in Attachment 2.

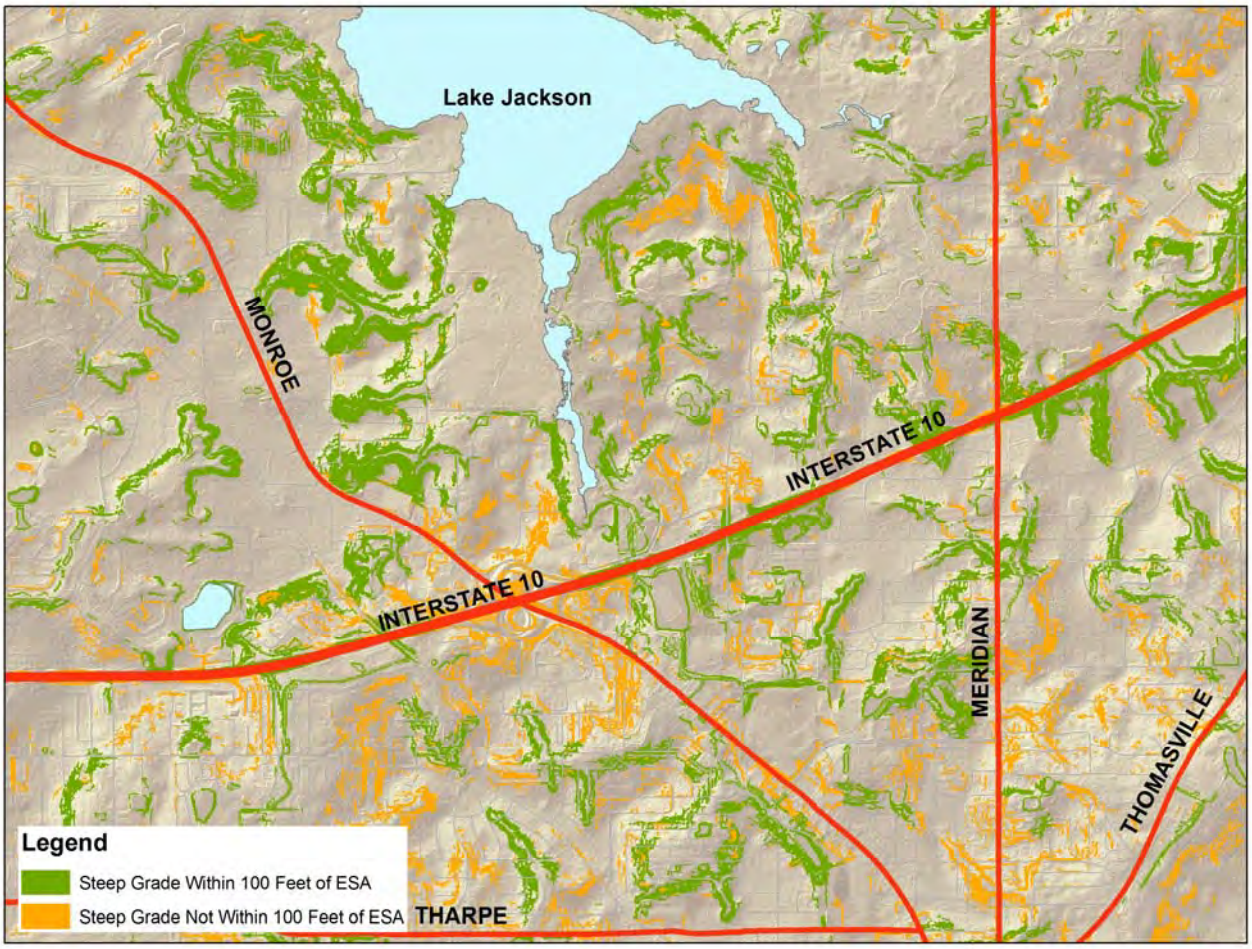
City Growth Management staff is closely monitoring this amendment and the draft County code changes. Growth Management staff will seek direction regarding potential City code changes from the City Commission through the Long Range Target Issues Committee process. However, due to the November 2010 Minimum Countywide Environmental Regulations Charter Amendment, City regulations will need to be equivalent or more restrictive than the minimum regulations established by the County.

It is important to note that the existing County code requirements for erosion control will remain. Section 10-4.327 in the County Code provides the specific requirements for erosion control measures to address environmental degradation associated with sediment transport. This section of code is provided for reference in Attachment 7.

To aid in the understanding of the geographic scope of the requested change, staff prepared maps of two different areas in the community showing the steep grades that are within 100 feet of the designated environmental features and those that are not within 100 feet of the designated environmental features. The data on steep grades utilized for these maps is not intended to be used on a parcel specific basis. However, at the scale represented on the maps below, staff believes this is a good representation of the general areas that would receive protection and that would be deregulated.

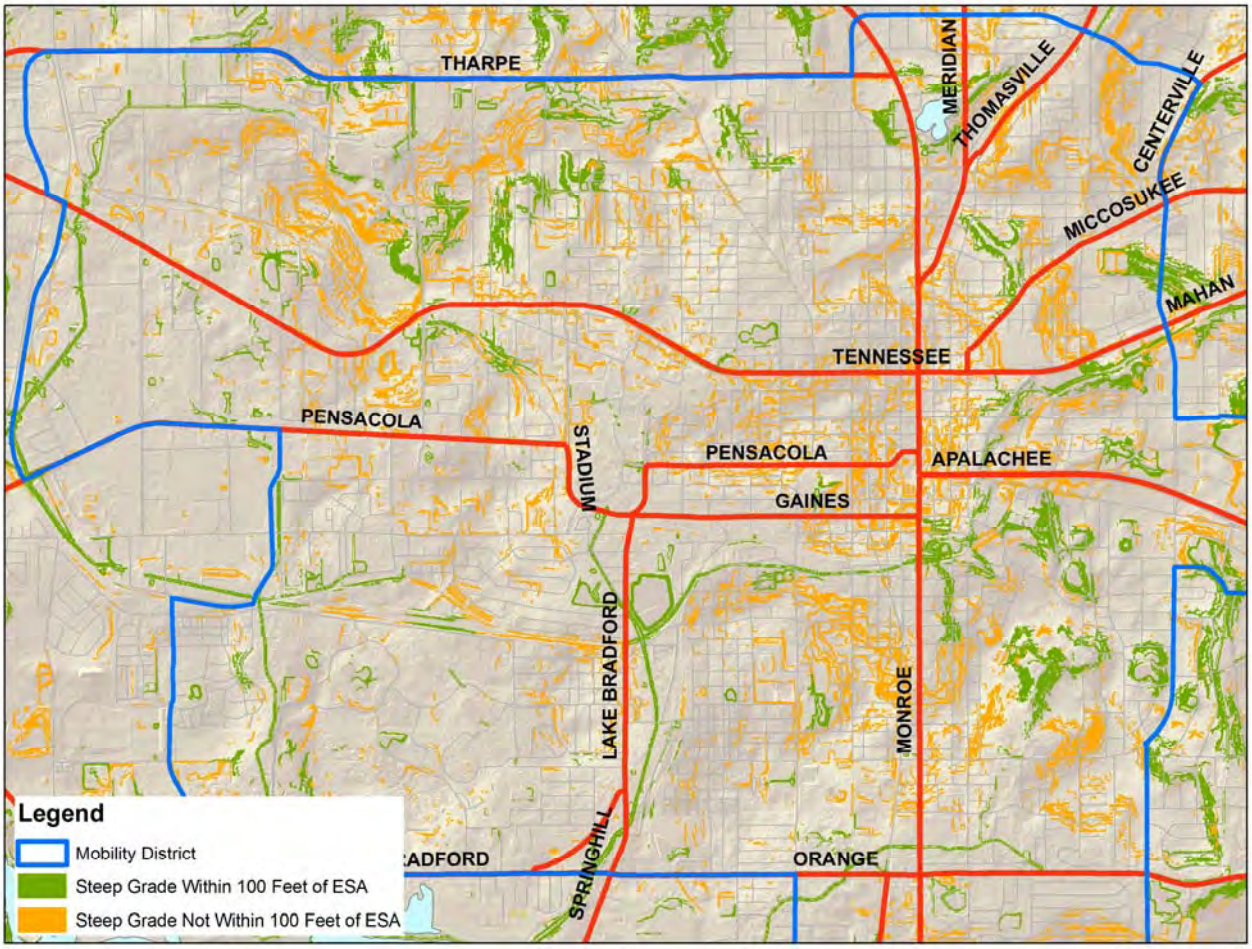
The first area selected to demonstrate the potential impact of the combined Comprehensive Plan amendment and draft code changes includes a portion of Lake Jackson and lands to the south. Figure 1, below, depicts the steep grades that are within 100 feet of wetlands, water bodies, watercourses, floodplain, and karst as green. Steep grades not within 100 feet of these environmental features are depicted in orange. The green areas would continue to receive protection via language in the Land Development Code. The orange areas would be deregulated. Staff selected this area to visually demonstrate the protections that would remain in environmentally sensitive areas, such as those surrounding Lake Jackson.

Figure 1: Steep Grades near Lake Jackson



The second area selected to demonstrate the potential impact of the combined Comprehensive Plan amendment and draft code changes is the Mobility District. This is an area of our community that has been selected for higher density and intensity uses and fostering more transportation alternatives. Just as in Figure 1 above, the steep grades that are within 100 feet of wetlands, water bodies, watercourses, floodplain, and karst are depicted in green and the steep grades not within 100 feet of these environmental features are depicted in orange. This area was selected to depict the impact of the policy change on this more urbanized section of the community that has been targeted for more intensification.

Figure 2: Steep Grades in the Mobility District



Staff has also included Table 1 below to help communicate the geographic scope of the requested change over the entire Urban Service Area. These calculations are based on the same Geographic Information System data utilized in Figure 1 and 2 above. It is important to note that in this report the term "steep grade" is utilized to discuss significant grades and severe grades together. These two types of grades are combined in Figures 1 and 2 in order to make the maps legible. However, the Comprehensive Plan does treat these two types of grades quite differently, as provided in the existing policy language in Attachment #1.

Generally, you are allowed to disturb up to 50% of significant grades (10-20% slope) on a development site and you are not allowed to disturb severe grades (over 20% slope). Table 1 provides the acres for both significant grades and severe grades combined as "steep grades," and then provides the breakdown for significant and severe grades separately. This highlights the small portion of land proposed for deregulation in the more sensitive severe grades category.

Table 1: Land Area Analysis

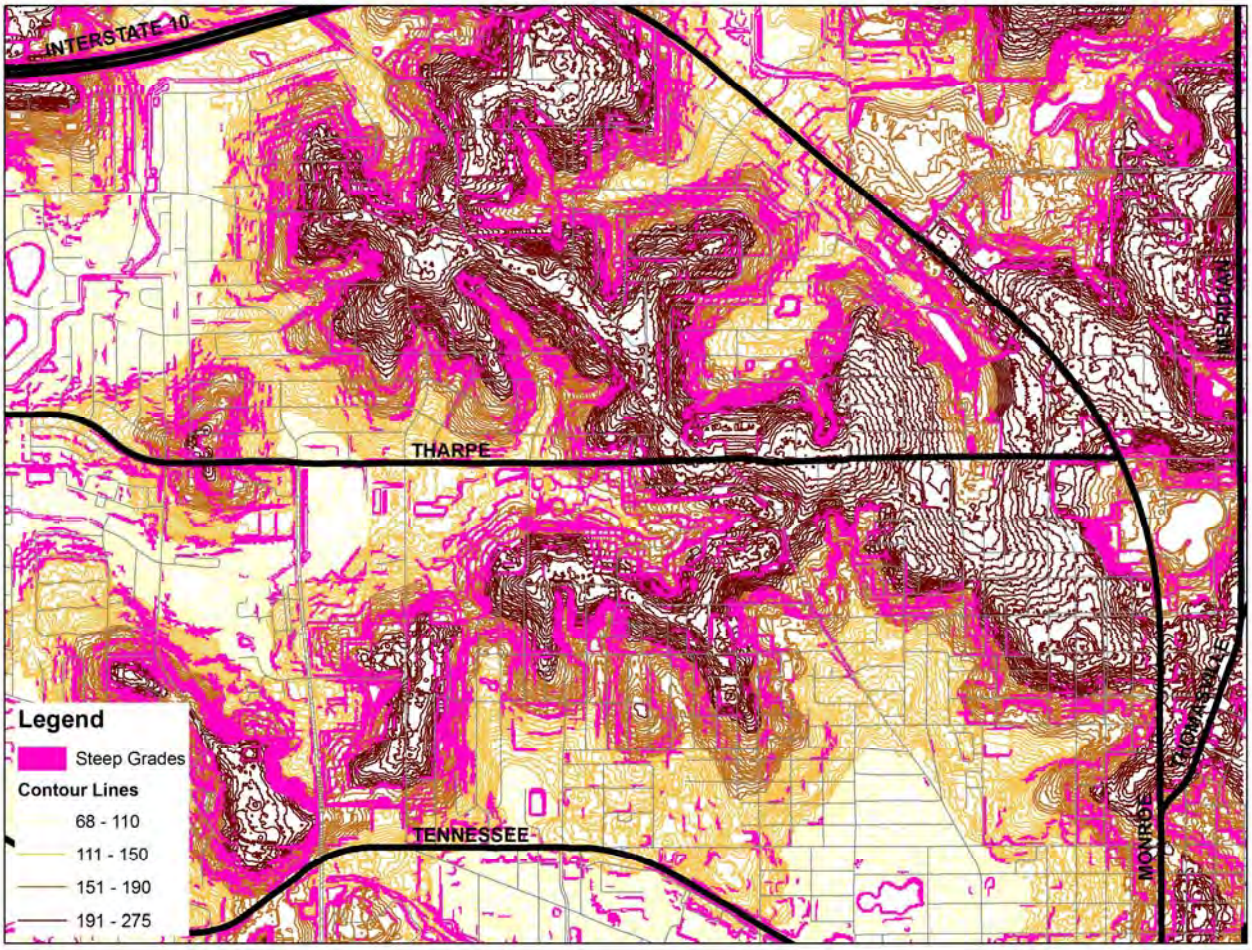
Analysis Area	Impact of Amendment and Code	Acres	% of the USA Land Area
Total Land in Urban Service Area (USA)	--	103,257	100.0%
Steep Grades in USA *(includes both Significant and Severe Grades)*	--	11,918	11.5%
Steep Grades Within 100 feet of ESA	Regulated	6,665	6.5%
Steep Grades NOT Within 100 feet of ESA	Deregulated	5,252	5.0%
Significant Grades in USA *(10-20% Slope)*	--	10,290	10%
Significant Grades Within 100 feet of ESA	Regulated	5,700	5.5%
Significant Grades NOT Within 100 feet of ESA	Deregulated	4,589	4.4%
Severe Grades in USA *(Over 20% Slope)*	--	1,628	1.6%
Severe Grades Within 100 feet of ESA	Regulated	965	0.9%
Severe Grades NOT Within 100 feet of ESA	Deregulated	663	0.6%

Lastly, it is important to briefly address the topic of "community character" that has been discussed in each of the past projects that considered revising the steep grade polices. This is a complicated matter, as different community members may have different ideas about how various features add character, or even a sense of place, to the community. This may be an important topic for the public participation portion of the review for this amendment. This staff report does not fully address this topic, but rather provides staff observations to consider during the larger community discussion.

Generally, during past reviews of the steep grade policies community members have expressed a concern that reducing steep grade protections would have a negative impact on the rolling hills that Tallahassee and Leon County are known for. However, by their very "rolling" nature the tops of our hills tend not to be steep, unlike in more mountainous regions that have ridge top protection ordinances. In Figure 3 below you can see that steep grades (depicted in fuchsia) do not generally occur on our hill tops (dark brown). The steep grades occur on the sides of the hills and ravines. Allowing construction on steep grades, which are not within 100 feet of other environmental features, does not appear as though it could have an impact on the larger hilly topography of Tallahassee. We are not alone in our love of the seven hills we are built upon. Rome, Istanbul, Moscow, San Francisco, and Seattle are all "seven-hills" cities with intensive urban development on

steep grades that arguably has not diminished their character. The "Tallahassee Character" is certainly less urban and more focused on natural aesthetics than the larger cities mentioned above, however, these examples are provided to demonstrate that construction on steep grades does not mean that the larger communitywide topographic character is lost.

Figure 3:Steep Grades and the Tallahassee Topography



County Strategic Priorities

At the December 12, 2011 retreat, the Board charted the course for the future of Leon County by establishing a vision statement and four strategic priority areas of the Economy, the Environment, Quality of Life and Governance. The proposed amendment is aligned with the strategic priority presented and discussed below.

Environment Strategic Priority: "Promote orderly growth which protects our environment, preserves our charm, maximizes public investment, and stimulates better and more sustainable economic returns." The Urban Service Area concept is the primary Comprehensive Plan tool for promoting orderly growth in our community. Providing flexibility regarding the regulation of steep grades inside the Urban Service Area fosters development in the areas where we have already made public investments in urban infrastructure. The proposed amendment seeks balance between

environmental protection and economic returns by authorizing some level of steep grade regulation inside the Urban Service Area via Land Development Code that focuses protection on grades near wetlands, water bodies, watercourses, floodways, floodplain, and karst.

G. CONCLUSIONS:

Based on the above analysis, the Planning Department recommends approval of the amendment request for the following reasons:

1. The amendment fulfills specific direction from the Board of County Commissioners to remove steep grade regulations inside the Urban Service Area.
2. The amendment fulfills the consensus recommendation by the Minimum Countywide Environmental Standards Citizen's Committee to provide different steep grade regulations for properties inside versus outside the Urban Service Area.
3. The companion County Land Development Code provisions retain protections for steep grades near sensitive environmental features.
4. The amendment and companion Land Development Code provisions provide a policy option to increase flexibility in the regulation of steep grades that is based on current recommendations from a citizen committee and elected officials. This increased flexibility is constant with the Comprehensive Plan goals of fostering growth inside the designated Urban Service Area.

H. ATTCHMENTS:

Attachment #1: Amendment in Strikethrough/Underline Format with Staff Notes

Attachment #2: Draft County Land Development Code Modifications

Attachment #3: 2005 City Focus Group Comments

Attachment #4: 2005 County Blue Ribbon Committee Recommendations

Attachment #5: 2011 Minimum Countywide Environmental Standards Committee Minutes

Attachment #6: County Existing Erosion Control Code

CONSERVATION AREAS

Policy 1.3.1: [C] ~~(City of Tallahassee)~~ *(Revision Effective 6/07/01)*

The following natural features shall be identified and mapped prior to rezoning or development and be regulated as conservation areas:

a) Altered floodplains and floodways,
b) Altered watercourses and improved elements of the primary drainage system;
c) Altered wetlands;
d) Closed basins;
e) Significant grade areas ~~(~~10% - 20%~~)~~ (only required outside of the Urban Service Area);
f) High quality successional forests;
g) Areas exhibiting active karst features;
h) Designated canopy road corridors.

~~**Policy 1.3.1: [C]** (Leon County) *(Revision Effective 6/07/01)*~~

~~The following natural features shall be mapped and be included in the conservation overlay:~~

~~a) Altered floodplains and floodways,~~
~~b) Altered watercourses and improved elements of the primary drainage system;~~
~~c) Altered wetlands;~~
~~d) Closed basins;~~
~~e) Significant grade areas (10% - 20%);~~
~~f) High quality successional forests;~~
~~g) Areas exhibiting active karst features;~~
~~h) Designated canopy road corridors.~~

Staff Note: The above change notes that significant grade areas are only regulated by the Comprehensive Plan outside of the Urban Service Area. The change also creates a unified policy for the City and County. The minor differences in the opening text for each policy do not impact how the Conservation Areas are regulated. The City version of the policy provides clearer direction and was selected for the unified policy.

Policy 1.3.2: [C] *(Revision Effective 7/1/04; Revision Effective 7/26/06; Revision Effective 1/7/10)* ~~**City of Tallahassee Only**~~

Staff Note: "City of Tallahassee Only" is proposed for removal to create a unified policy for the City and the County. This will include the removal of "Leon County Only" Policy 1.3.2 [C] below. The treatment of significant grades is the only difference between the existing "City Only" and "County Only" version of Policy 1.3.2 [C]. Addressing the significant grade requirements allows for the unification of these polices.

Potential development within areas of the conservation overlay district shall exhibit best environmental management practices with the emphasis on designing with nature. Assessed impact upon natural resource determines density and/or intensity within a prescribed range within which the parcel is located. Planned development is required for approval. Strict performance requirements will be applied. The

major criterion for approval shall be the continued functioning, with minimum disturbances, of the ecosystem, which the development is impacting. ~~For significant grades only, off-site mitigation may be approved under criteria to be included in land development regulations that allow development of a site with significant grades, and where net environmental benefit can be demonstrated via both enhanced mitigation measures on-site and protective measures at an external site.~~

Staff Note: The text above is proposed for removal to eliminate the City provision that allows off-site mitigation for impacts to significant grades. The provision is not needed if the Plan is amendment to limit grade protections to outside the Urban Service Area, as the vast majority of the City is inside the Urban Service Area.

Conservation area development criteria are as follows:

a) **Altered floodplains and floodways**—Development will be allowed in these areas as long as it does not impede water flow or displace volume (development will be allowed at the density consistent with the land use category). Density can be transferred out of these areas at a density reflective of the density permitted by the existing land use category.

b) **Altered watercourses and improved elements of the primary drainage system**ð No development allowed in these areas, development density will be transferred out of these areas at a density reflective of the density permitted by the existing land use category.

c) **Altered Wetlands (City of Tallahassee Only)** - May only be used for a stormwater treatment facility if wetlands are degraded. Design of any stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.

d) **Closed basins**—These areas will be permitted to develop only to the extent that there is sufficient stormwater capacity within the basin. Development will be permitted reflective of the density allowed by the existing land use category.

e) **Significant grade areas (10-20%)-** The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. However, in order to help direct development and growth to inside the Urban Service Area and further the protection of lands outside of the Urban Service Area, significant grade regulations are not required by the Comprehensive Plan within the Urban Service Area. Land development regulations may provide protection appropriate for more compact urban development inside the Urban Service Area for significant grades near wetlands, water bodies, watercourses, floodways, floodplain, and karst. ~~The density and intensity of the proposed land use and its resulting impervious or disturbed area should be suitable for the site. It is not the intent of this policy to regulate man made slopes.~~

Areas outside the Urban Service Area shall be regulated by this policy and ~~D~~development will be allowed at a density reflective of the density permitted by the existing land use category. Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category. It is not the intent of this policy to regulate man made slopes. Development outside the Urban Service Area will be permitted provided the following are done:

Staff Note: The text above establishes the concept for not requiring significant grade regulations inside the Urban Service Area while also providing authorization for, but not requiring, some level of grade regulation in the Land Development Code that is appropriate for fostering compact urban development.

(1) Minimize any topographical changes. Minimal grade changes typically associated with site development include those necessary for the safety of a building, parking area, road right-of-way, handicapped access, or associated utilities, including stormwater management system.
(2) A minimum of 50% of the grade must be left undisturbed or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas.
(3) Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.
(4) The implementing LDRs shall address erosion, local topography, water quality and existing vegetation as appropriate.~~;~~
~~(a) Create new, high wage employment (may be based on a minimum annual wage, number of jobs created, and limited to exclusive office and industrial~~

~~(5) In lieu of the above, land development regulations may provide for off-site mitigation for development sites that meet the following criteria:~~
~~(a) The site is within or adjoining Capital Circle, south of Interstate 10;~~
~~(b) The site is not within a Target Planning Area (TPA), Critical Planning Area (CPA), or Planned Unit Development;~~
~~(c) The site is served by a roadway in place, constructed to City or County standards, whichever is applicable and for which there is adequate capacity; and all water, sewer, and electric infrastructure necessary to serve the site are available;~~
~~(d) The significant grades on the site are not part of, do not include, and are not adjacent to previously protected significant grades or other preservation areas or conservation areas (other than significant grades) for which there are no off-site mitigation options;~~
~~(e) The significant grades on-site are not necessary for buffering other preservation areas or conservation areas on-site or on adjoining parcels; and~~
~~(f) An off-site mitigation plan for the development of the significant grades site has been approved that demonstrates net environmental benefit. *(Effective 7/1/04)*~~

~~The additional flexibility that may be granted under this section is not limited by Conservation *Policy 1.3.7 (Effective 6/07/01)*~~

~~Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category.~~

Staff Note: The text above is proposed for removal to eliminate the criteria associated with the City's off-site mitigation option that would be eliminated by this amendment.

f) High quality successional forest -- If the entire site is high quality successional forest, the site may be developed at the allowed density with no more than 20% disturbance of the site. Those areas designated to remain natural shall be selected in a manner that protects or enhances adjacent or other on-site natural features. Development density can be transferred to non-environmentally sensitive areas at the density allowed by the existing land use category. If the

transfer option is not used, development may be permitted at a density of one (1) unit per two (2) acres.

g) Areas exhibiting active karst features (sink holes) -- No untreated stormwater will be allowed to enter active karst features. Stormwater discharged to active karst features must meet the following criteria:

(1) Runoff must be treated to comply with Sec. 17-25.700(2) F.A.C.;
(2) Discharge rate and volume shall not exceed predevelopment rate and volume;
(3) The area within the uppermost contour of an active sink, as determined by standard geotechnical evidence in consideration of soil types, slopes, vegetation, topography and geologic features shall remain natural. A transitional buffer from the uppermost contour may also be required;
(4) There will be no discharge of water to an active karst feature from any land use, which uses, produces or generates as waste any listed Resource Conservation and Recovery Act material or listed Environmental Protection Agency priority pollutant.

h) Designated canopy roads (*Revision Effective 6/28/02*) -- Development can be permitted at a density consistent with the density allowed by the existing land use category, provided that the following are done:

(1) No clearing may occur in the canopy road zone (cpz)(100 feet from center line of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public or, for linear sidewalk improvements when practical given the unique attributes of the particular site as approved by the local government provided they meet the following criteria:
    (a) Clearing in the canopy road zone will be kept to a minimum.
    (b) A variety of surfaces will be evaluated for use in the sidewalk/pathway through the cpz based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.
    (c) Sidewalks may not always be required in the cpz given the impact to the cpz or encroachment on other conservation or preservation features.
(2) Any part of the canopy road zone that is cleared or has trees removed from it must be widened by the same amount that was removed;
(3) A full analysis of the impact of a development on the affected canopy road must be submitted at the time of development review;
(4) Joint access to canopy roads will be utilized unless there is no alternative. New cuts into canopy roads must be designed to serve more than one property development

Conservation Areas Summary Chart ~~**(City of Tallahassee)**~~ *(Revision Adopted 1/7/10)*

	Transfer	Develop
Altered Floodplains and floodways	Density per land use category	Density per land use if (1)*
Altered Wetlands (City only)	Density per land use category	May only be used for storm-water treatment facility if wetlands are degraded **
Altered watercourses, improved elements of primary drainage system	Density per land use	None

Closed basin	Density per land use	Density per land use if (2)*
Significant grades (6) (10-20%)	Density per land use ~~unless (6)*~~	Density per land use if (3)* or 1 unit per acre ~~unless (6)*~~
High quality successional forest	Density per land use	Density per land use if (4)* or 1 unit per acre
Active karst features	Density per land use. No untreated storm-water, *meet all additional criteria.	Density per land use. No untreated stormwater, *meet all additional criteria.
Designated Canopy Roads	Density per land use	Density per land use if (5)* or 1 unit per acre. 100 ft. zone applies.

**footnotes* *(1) Provided it does not increase flow or displace volume.*
(2) There must be sufficient stormwater capacity within the closed basin.
(3) Provided:
a) Topographical changes are minimized.
b) 50% of grade left undisturbed (or under approved vegetation management plan)
c) Small areas of severe grades within significant grades may be treated as significant grades.
(4) Provided development is clustered and there is no more than 20% disturbance of the site.
(5) Provided all requirements are met, i.e., 100 foot zone, authorized access with no alternative or health safety and welfare of public, analysis of impact, joint access.
(6) ~~Off-site mitigation plan is approved per land development regulations consistent with the Comprehensive Plan. (Effective 7/1/04)~~The Comprehensive Plan only regulates significant grades outside of the Urban Service Area.

*** Design of the stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.*

Staff Note: "City of Tallahassee" is proposed for removal form the Conservation Areas Summary Chart to establish this chart as part of a unified City and County policy. Note six in the chart is also amended to remove reference to the off-site mitigation option and to clearly indicate that the Comprehensive Plan only regulates significant grades outside of the Urban Service Area.

~~**Policy 1.3.2: [C]** *(Revision Effective 6/07/01; Revision Effective 7/26/06)* **Leon County Only**~~

~~Potential development within areas of the conservation overlay district shall exhibit best environmental management practices with the emphasis on designing with nature. Assessed impact upon natural resource determines density and/or intensity within a prescribed range within which the parcel is located. Planned development is required for approval. Strict performance requirements will be applied. The major criterion for approval shall be the continued functioning, with minimum disturbances, of the ecosystem, which the development is impacting.~~

~~Conservation area development criteria are as follows:~~

~~**a) Altered floodplains and floodways** – Development will be allowed in these areas as long as it does not impede water flow or displace volume (development will be allowed~~

~~at the density consistent with the land use category). Density can be transferred out of these areas at a density reflective of the density permitted by the existing land use category.~~

~~**b) Altered watercourses and improved elements of the primary drainage system**ð No development allowed in these areas, development density will be transferred out of these areas at a density reflective of the density permitted by the existing land use category.~~

~~**c) Altered Wetlands (City of Tallahassee Only)** - May only be used for a stormwater treatment facility if wetlands are degraded. Design of any stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.~~

~~**d) Closed basins** - These areas will be permitted to develop only to the extent that there is sufficient stormwater capacity within the basin. Development will be permitted reflective of the density allowed by the existing land use category.~~

~~**e) Significant grade areas (10-20%)**- The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. The density and intensity of the proposed land use and its resulting impervious or disturbed area should be suitable for the site. It is not the intent of this policy to regulate man made slopes.~~

~~Development will be allowed at a density reflective of the density permitted by the existing land use category. Development will be permitted provided the following are done:~~

~~(1) Minimize any topographical changes. Minimal grade changes typically associated with site development include those necessary for the safety of a building, parking area, road right-of-way, handicapped access, or associated utilities, including stormwater management system.~~
~~(2) A minimum of 50% of the grade must be left undisturbed or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas.~~
~~(3) Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.~~
~~(4) The implementing LDRs shall address erosion, local topography, water quality and existing vegetation as appropriate; and will contain specific conditions under which additional development with greater than 50% impact can be granted in significant grade areas within the urban service area to:~~

~~a. Encourage urban infill in the urban core (see urban core map); or~~
~~b. Create new, high wage employment (may be based on a minimum annual wage, number of jobs created, and limited to exclusive office and industrial~~

~~The additional flexibility that may be granted under this section is not limited by Conservation Policy 1.3.7 [C]. *(Effective 6/07/01)*~~

~~Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category.~~

~~**f) High quality successional forest** -- If the entire site is high quality successional forest, the site may be developed at the allowed density with no more than 20% disturbance of the site. Those areas designated to remain natural shall be selected in a manner that protects or enhances adjacent or other on-site natural features. Development density can be transferred to non-environmentally sensitive areas at the density allowed by the existing land use category. If the transfer option is not used, development may be permitted at a density of one (1) unit per two (2) acres.~~

~~**g) Areas exhibiting active karst features (sink holes)** -- No untreated stormwater will be allowed to enter active karst features. Stormwater discharged to active karst features must meet the following criteria:~~

~~(1) Runoff must be treated to comply with Sec. 17-25.700(2) F.A.C.;~~
~~(2) Discharge rate and volume shall not exceed predevelopment rate and volume;~~
~~(3) The area within the uppermost contour of an active sink, as determined by standard geotechnical evidence in consideration of soil types, slopes, vegetation, topography and geologic features shall remain natural. A transitional buffer from the uppermost contour may also be required;~~
~~(4) There will be no discharge of water to an active karst feature from any land use, which uses, produces or generates as waste any listed Resource Conservation and Recovery Act material or listed Environmental Protection Agency priority pollutant.~~

~~**h) Designated canopy roads** (*Revision Effective 6/28/02*) -- Development can be permitted at a density consistent with the density allowed by the existing land use category, provided that the following are done:~~
~~(1) No clearing may occur in the canopy road zone (cpz)(100 feet from center line of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public or, for linear sidewalk improvements when practical given the unique attributes of the particular site as approved by the local government provided they meet the following criteria:~~
~~(a) Clearing in the canopy road zone will be kept to a minimum.~~
~~(b) A variety of surfaces will be evaluated for use in the sidewalk/pathway through the cpz based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.~~
~~(c) Sidewalks may not always be required in the cpz given the impact to the cpz or encroachment on other conservation or preservation features.~~
~~(2) Any part of the canopy road zone that is cleared or has trees removed from it must be widened by the same amount that was removed;~~
~~(3) A full analysis of the impact of a development on the affected canopy road must be submitted at the time of development review;~~
~~(4) Joint access to canopy roads will be utilized unless there is no alternative. New cuts into canopy roads must be designed to serve more than one property development.~~

~~**Conservation Areas Summary (Leon County)**~~

	Transfer	Develop
Altered Floodplains and floodways	Density per land use category	Density per land use if (1)*
Altered Wetlands (City only)	Density per land use category	May only be used for storm-water treatment facility if wetlands are degraded **
Altered watercourses, improved elements of primary drainage system	Density per land use	None
Closed basin	Density per land use	Density per land use if (2)*
Significant grades (10-20%)	Density per land use	Density per land use if (3)*
High quality successional forest	Density per land use	Density per land use if (4)* or 1 unit per acre
Active karst features	Density per land use. No untreated storm-water, *meet all additional criteria.	Density per land use. No untreated stormwater, *meet all additional criteria.
Designated Canopy Roads	Density per land use	Density per land use if (5)* or 1 unit per acre. 100 ft. zone applies.

*footnotes (1) Provided it does not increase flow or displace volume.
(2) There must be sufficient stormwater capacity within the closed basin.
(3) Provided:
a) Topographical changes are minimized.
b) 50% of grade left undisturbed (or under approved vegetation management plan)
c) Additional flexibility available through the LDRs for urban core and high wage employment.
d) Small areas of severe grades within significant grades may be treated as significant grades. (Effective 6/07/01)
(4) Provided development is clustered and there is no more than 20% disturbance of the site.
(5) Provided all requirements are met, i.e., 100 foot zone, authorized access with no alternative or health safety and welfare of public, analysis of impact, joint access.
** Design of the stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.

Staff Note: The entire "Leon County Only" version of Policy 1.3.2 [C] above is proposed for removal as part of the establishment of a unified City and County version of policy. The previous staff notes in this document describe the proposed changes to create the unified policy.

Policy 1.3.3: [C] (City of Tallahassee Only) *(Effective 7/26/06; Revision Effective 1/7/10)*

When conservation features are present, mitigation via the transfer of development to non-environmentally sensitive areas on site is preferable. Land development regulations shall be developed

~~that permit off-site mitigation for significant grades on properties within or adjoining Capital Circle, south of Interstate 10 that meet the criteria set forth in the Conservation Element. Density transfer shall be within the parcel; no off-site transfer of density is permitted except as provided for in Policy 1.3.13 [C] of this element. Transfer of development density to non-environmentally sensitive areas on-site will be allowed up to the density permitted by the future land use category in which the parcel is located. The amount of density transfer may be limited by other applicable requirements and ordinances implemented during the development review process, such as requirements for stormwater retention, open space and landscaping, buffer, setbacks, parking, transportation access and any concurrency requirements. If there is no area on the site suitable for transfer and off-site mitigation is not available or used, development will be allowed at one unit per acre unless otherwise stated. Where open space requirements are part of the land development code, 50% credit may be given for conservation areas that are preserved. In no case can the density on the developable portion of the site be more than double the allowed density of the Land Use category in which the parcel is located. In order to allow development to reach their maximum density, development within the Downtown Overlay shall be exempt from the significant and severe slope requirements established within the conservation overlay.~~

Policy 1.3.3: [C] ~~(Leon County Only)~~ *(Effective 7/26/06)*

In all cases the transfer of development to non-environmentally sensitive areas is preferable. Density transfer shall be within the parcel; no off-site transfer is permitted. Transfer of development density to non-environmentally sensitive areas will be allowed up to the density permitted by the future land use category in which the parcel is located. The amount of density transfer may be limited by other applicable requirements and ordinances implemented during the development review process, such as requirements for stormwater retention, open space and landscaping, buffer, setbacks, parking, transportation access and any concurrency requirements. If there is no area on the site suitable for transfer, development will be allowed at one unit per acre unless otherwise stated. Where open space requirements are part of the land development code, 50% credit may be given for conservation areas that are preserved. In no case can the density on the developable portion of the site be more than double the allowed density of the Land Use category in which the parcel is located.

Staff Note: The "City of Tallahassee Only" version of Policy 1.3.3 [C] is proposed for removal and the "Leon County Only" version of the policy is established as a unified policy. The only existing difference between the two versions of the policy is that the City version includes specifics regarding the off-site mitigation option proposed for removal.

PRESERVATION AREAS

Policy 1.3.4: [C] ~~(City of Tallahassee only) *~~ *(Revision Effective 12/10/91; Renumbered Eff. 7/26/06)*

The following natural features shall be identified and mapped prior to rezoning or development and be regulated as preservation areas:

a) Wetlands and waterbodies and water courses;
b) Severe grades over 20% (only required outside of the Urban Service Area);
c) Native forests;
d) Undisturbed/undeveloped 100 year floodplain; and
e) Areas of environmental significance
f) Habitats of endangered, threatened and species of special concern.

~~**Policy 1.3.5:** **[C]** (Leon County only) * *(Revision Effective 12/10/91; Renumbered Effective 7/26/06)*~~

~~The following natural features shall be mapped and be included in the preservation overlay~~

~~a) Wetlands and waterbodies and water courses;~~
~~b) Severe grades over 20%;~~
~~c) Native forests;~~
~~d) Undisturbed/undeveloped 100 year floodplain; and~~
~~e) Areas of environmental significance~~
~~f) Habitats of endangered, threatened and species of special concern.~~

~~** See Explanation of Environmental Overlays in Land Use Element*~~

Staff Note: The above changes create a unified City and County policy regarding Preservation Areas and notes that severe grades are only regulated by the Comprehensive Plan outside the Urban Service Area. The minor differences in the opening text for each policy do not impact how the Preservation Areas are regulated. The City version of the policy provides clearer direction and was selected for the unified policy.

Policy 1.3.6: **[C]** *(Revision Effective 12/7/99; Revision Effective 7/26/06)*

Development approval within the preservation ~~overlay districts~~ areas shall be restricted to extremely low density and intensity type projects due to the environmental constraints present. Alteration due to development would result in destruction or severe degradation of the natural resource function. As a result, these areas are unsuitable for all but extremely low-density development for one or more of the following reasons:

(1) To prevent degradation of water quality.
(2) To prevent degradation of freshwater storage capabilities.
(3) To prevent the degradation of biological productivity.
(4) To prevent damage to property and loss of life due to flooding.
(5) To prevent degradation of the viability and diversity of native plants and animals and their habitats.
(6) To assure the conservation of irretrievable or irreversible resources.

Preservation areas development criteria are as follows

Preservation Areas

	Transfer	Develop
Wetlands, water bodies, water courses*	Density per land use	1 unit per 40 acres
Severe grades (only required outside of the Urban Service Area)	Density per land use	1 unit per 40 acres**
Native forest	Density per land use	1 unit per 40 acres

Areas of environmental Significance	Density per land use	1 unit per 40 acres
Undisturbed/undeveloped 100 year floodplains	Density per land use	1 unit per 40 acres
Habitat of endangered, threatened, or species of special concern	Density per land use	1 unit per 40 acres, management plan

** Footnote: Any portion of a site within a water body, which is also a preservation area, shall be excluded when calculating a transfer.*

***Footnote: When an area of significant grades contains within its boundaries small fragments of severe grades, the criteria for development within significant grades may be authorized. (Effective 6/07/01)*

Staff Note: Minor changes are proposed to Policy 1.3.6 [C] above to provide consistency with other substantive changes proposed.

Policy 1.3.7: **[C]** *(Revision Effective 9/19/9; Renumbered Effective 7/26/06)* ~~**Leon County Only**~~

Development must be clustered away from preservation areas on to non-environmentally sensitive portions of the site. Clustering development outside conservation areas shall be the preferred option and shall be implemented through the use of density incentives to be applied on-site.

Policy 1.3.8: **[C]** *(Revision Effective 7/1/04; Renumbered Effective 7/26/06)* ~~**City of Tallahassee Only**~~

~~Development must be clustered away from preservation areas on to non-environmentally sensitive portions of the site. Clustering development outside conservation features shall be the preferred option except where the conservation features consist solely of significant grades, an off-site mitigation plan has been approved and no other conservation or preservation features will be affected, and shall be implemented through the use of density incentives to be applied on-site.~~

Staff Note: "City of Tallahassee Only" Policy 1.3.8 [C] is proposed for removal and "Leon County Only" Policy 1.3.7 [C] is established as a unified City and County policy. The only difference between the existing policies is that the City version provides direction for the off-site mitigation option that is now proposed for removal.

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Policy 1.3.12: **[C]** *(Effective 9/19/91; Renumbered Effective 7/26/06)* ~~**Leon County Only**~~

When there are no non-environmentally sensitive areas on which to cluster on a parcel, the allowable density must be clustered in the portion of the site that will have the least impact on the natural resource being impacted.

Policy 1.3.13: **[C]** *(Revision Effective 7/1/04; Renumbered Effective 7/26/06)* ~~**City of Tallahassee Only**~~

~~When there are no non-environmentally sensitive areas on which to cluster on a parcel, the allowable density must be clustered in the portion of the site that will have the least impact on the natural resource~~

~~being impacted unless the conservation features consist solely of significant grades, an off-site mitigation plan has been approved and no other conservation or preservation features will e affected.~~

Staff Note: "City of Tallahassee Only" Policy 1.3.13 [C] is proposed for removal and "Leon County Only" Policy 1.3.12 [C] is established as a unified City and County policy. The only difference between the existing policies is that the City version provides direction for the off-site mitigation option that is now proposed for removal.

Policy 1.3.14: [C] *(Effective 7/1/04; Renumbered Effective 7/26/06)* ~~**City of Tallahassee Only**~~

~~Environmental and ecological services shall be taken to include habitat, nutrient uptake, carbon sequestration, flood detention, water storage, and related function. Without measures to ensure their continued delivery, off-site mitigation may result in a net loss of such services and their economic contribution to the community. Consequently, the hierarchy of preferred development strategies shall be as follows:~~

~~(1) Design development to be compatible with conservation and preservation features on site (No mitigation required).~~

~~(2) Design development to avoid, or minimize or ameliorate impacts to conservation and preservation features on site (On-site mitigation).~~

~~(3) Local government may adopt land development regulations that provide an off-site mitigation option for properties in certain locations that contain significant grades greater than a certain size or percentage of the parent tract. Such off-site mitigation may be employed in cases where an applicant demonstrates that neither (1) nor (2) can be realistically achieved by design subject to existing zoning and environmental permitting requirements (Off-site mitigation).~~

~~a) In no instance shall the off-site mitigation option be employed where the subject area adjoins other conservation or preservation features and the environmental services collectively provided would be measurably diminished.~~

~~b) In all instances, employment of the off-site mitigation option shall preclude the use of site design alternatives that reduce the percentage of the site dedicated to landscaping or natural area preservation.~~

~~c) Pursuant to policies or programs to improve the quality of receiving waters, including Surface Water Improvement and Management (SWIM) Plans, Total Maximum Daily Loads (TMDLs), Stormwater Pollutant Reduction Programs, and Lake Management or Action Plans, local government may establish stricter standards for stormwater treatment for sites employing off-site mitigation.~~

Staff Note: "City of Tallahassee Only" Policy 1.3.14 [C] is proposed for removal. This policy establishes the framework for the off-site mitigation option that is proposed for removal.

Policy 1.3.15: **[C]** *(Effective 7/1/04; Renumbered Effective 74/26/06)* ~~**City of Tallahassee Only**~~

~~Local government recognizes that the design of a site is in part an economic decision, and that offsite mitigation may be accomplished by several means. Consequently, the preferred hierarchy of off-site mitigation strategies for significant grades shall be as follows:~~

~~(1) Participation in a mitigation bank established within the same major drainage basin that is managed to generate all of the environmental services provided by significant grades.~~
~~(2) Participation in a mitigation bank established in another major drainage basin that is managed to generate all of the environmental services provided by significant grades.~~
~~(3) Via conservation easement or similar instrument, bona fide preservation and management on other property owned or to be acquired by the applicant equal to twice (two times) the acreage of significant grades on site to be mitigated.~~
~~(4) Fees-in-Lieu provided to Local Government to acquire and manage property to compensate for the loss of environmental services provided by significant grades, plus a stormwater management surcharge to compensate for within-drainage basin impacts attributable to the loss of significant grades.~~

Staff Note: "City of Tallahassee Only" Policy 1.3.14 [C] is proposed for removal. This policy provides specific direction for the off-site mitigation option that is proposed for removal.

ORDINANCE NO. 13- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE, BY AMENDING SECTION 10-4.327, TOPOGRAPHIC ALTERATIONS.

PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

SECTION 1: Section 10-4.327 of the Code of Laws of Leon County, Florida, is hereby amended as follows:

Sec. 10-4.327. Topographic alterations.

All projects involving alteration of the contour, topography, use or vegetation cover of land, shall comply with the following minimum standards:

(1) Same.

(2) *Grade change limitations.* It is the intent of this article to minimize alterations of the natural topography of land within the county.

a. The type, intensity, and structural design of each proposed development project shall be consistent with and compatible with natural pre-development topography and characteristics of the proposed site.

b. Alterations of natural topography shall not exceed the absolute minimum necessary to develop a site safely. Design criteria will emphasize site designs that fit the topography to the best extent possible , not change the topography to fit the design. Any development proposed for a site shall be appropriate to the existing natural topographical characteristics of the site, while recognizing that minimal grade changes are essential to site development.

c. ~~Unincorporated Area of the County.~~ The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. Man-made slopes shall not be regulated. ~~Within the unincorporated area of the County, d~~Development in sloped areas of ten percent and above shall be permitted as follows:

1. Inside the Urban Service Area:
   (a) Off-grade construction techniques shall be utilized to minimize clearing and topographic alteration, and shall provide (and clearly delineate on-site) specific clearing limits to restrict clearing and topographic alterations to the minimum area necessary for construction of the permitted facilities and reasonable construction access.
   ~~2.~~ (b) A minimum of 50% of significant (ten percent to 20 percent slope) grade areas must be left undisturbed if located adjacent to or within 100 feet of wetlands, waterbodies, watercourses, floodways, floodplains, karst features or special development zones. ~~or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas.~~ This requirement may be met by preserving 50 percent of each individual area or 50 percent of the total grade areas.
   ~~3.~~ (c) Severe grade areas (greater than 20 percent slope) shall remain undisturbed if located adjacent to or within 100 feet of wetlands, waterbodies, watercourses, floodways, floodplains, karst features or special development zones. Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.
   ~~4.~~ (d) All significant and severe grades required to be undisturbed shall be preserved in their pre-development state by conservation easement.

~~5. Urban service area only: All isolated significant slopes that are 0.25 acres or less in size shall not be protected. All other significant slopes may be disturbed more than 50% provided the following criteria are met:~~
   ~~(a) The disturbance is necessary to encourage urban infill in the urban core or to create new, high wage employment.~~
   ~~(b) If a non-residential site is less than or equal to three acres in size with no other preservation features present on the site.~~
   ~~(c) All residential development qualifies for the additional disturbance.~~
   ~~(d) Stormwater treatment shall be off-line retention equal to the first ½ inch of runoff with full recovery within 72 hours. If it can be demonstrated that retention is not achievable due to soil and site~~

~~characteristics, wet detention, in accordance with Section 10-4.301(2)(b)(i) and FDEP regulations, will be allowed. If wet detention is not achievable due to site characteristics, the County Administrator or designee may allow other treatment alternatives if it can be satisfactorily demonstrated that the alternative provides a pollutant removal efficiency of 80% or greater.~~

~~6.~~ (e) The county administrator or designee may allow limited exemption from these grade change limitations for approved roadway projects, provided that the permit application related to such project includes: ~~(a) A~~appropriate restrictive limits of areas as to clearing and topographic alteration~~.~~; ~~(b) A~~approved erosion and sediment control plans~~.~~; and ~~(c) A~~an evaluation of alternatives which support the allowance of an exemption.

2. Outside the Urban Service Area:

(a) Off-grade construction techniques shall be utilized to minimize clearing and topographic alteration, and shall provide (and clearly delineate on-site) specific clearing limits to restrict clearing and topographic alterations to the minimum area necessary for construction of the permitted facilities and reasonable construction access.

(b) A minimum of 50% of significant (ten percent to 20 percent slope) grade areas must be left undisturbed or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas. This requirement may be met by preserving 50 percent of each individual area or 50 percent of the total grade areas.

(c) Severe grade areas (greater than 20 percent slope) shall remain undisturbed. Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.

(d) All significant and severe grades required to be undisturbed shall be preserved in their pre-development state by conservation easement.

(e) The county administrator or designee may allow limited exemption from these grade change limitations for approved roadway projects, provided that the permit application related to such project includes: appropriate restrictive limits of areas as to clearing and topographic alteration; approved erosion and sediment control plans; and an evaluation of alternatives which support the allowance of an exemption.

~~d. Incorporated Area of the County. Significant grade areas (natural grades between and inclusive of ten percent and twenty percent of at least ¼ acre in size). If the slope between any two adjacent one-foot interval contour lines is greater than or equal to ten percent but less than or equal to 20 percent, then a significant grade area exists and shall be regulated as set forth below. The intent of protecting significant grades is to maintain local topography and minimize erosion, maintain existing vegetation, and protect water quality. Significant grades shall be depicted on any natural features inventory required under this chapter using contour intervals of no greater than two feet. Maps shall be prepared in accordance with the minimum technical standards for topographic surveys set forth in Chapter 61G17-6, Florida Administrative Code (FAC), as it may be amended from time to time. Alternatively, the city's Geographic Information System (GIS) two-feet contour maps may be used to determine the grades until such time that site-specific topographic survey information is available. Site-specific topographic survey information shall use one-foot contour intervals and shall be provided no later than at the time the environmental impact analysis required under this chapter is submitted for review. Within the incorporated area of the County, development in sloped areas of ten percent and above shall be permitted as follows:~~

~~1. Standard. Except as provided for in subsection (a)(2)d.2.—4. below, a minimum of 50 percent of significant grade areas shall be left undisturbed and shall be placed in a conservation easement dedicated to the city. Development activity in the conservation easement is prohibited, except that vegetation management activities that enhance the vegetation and are specifically allowed in a vegetation management plan approved by the Director of the City of Tallahassee Growth Management Department may be permitted. Examples of vegetation management activities include, but are not limited to, pruning of dead and hazardous tree limbs and control of invasive vegetation. The significant grades placed in a conservation easement shall be those significant grade areas that provide the greatest environmental benefit as determined by the Director of the City of Tallahassee Growth Management Department (i.e. provides downhill buffers, protects forested areas, buffers other protected conservation or preservation areas, or provides similar environmental benefits). In~~

~~order to minimize topographic changes, development within the significant grade areas not placed in a conservation easement shall utilize off-grade construction (including stem wall construction), use best management practices (design the building to take advantage of the natural topography, etc.), and shall limit the height of retaining walls to 15 feet. Multiple retaining walls may be allowed for terracing. The height of all retaining walls (excluding stem walls constructed as part of a building foundation) shall not exceed 15 feet. The distance between retaining walls shall be, at a minimum, twice the height of the wall that is abutting the area and higher than the area. Any retaining wall three feet in height or greater shall require a building permit.~~

~~2. Development within the Downtown Overlay shall be exempt from the significant and severe slope requirements.~~

~~3. Offsite mitigation exception. Offsite mitigation for significant grades shall be permissible consistent with the provisions of this subsection.~~

~~A. Locations are eligible for the off-site mitigation option if:~~

~~i. The site lies south of Interstate-10 and either adjoins or is interior to Capital Circle;~~

~~ii.The site is not within a Planned Development (PD), or Planned Unit Development (PUD);~~

~~iii. The site is served by a roadway constructed to city standards and for which there is adequate roadway capacity;~~

~~iv. All other infrastructure, including water, central sewer, and electric infrastructure, is available to serve the site;~~

~~v. The significant grades do not include nor are they adjacent to previously protected preservation or conservation features on site for which off-site mitigation is not an option; and~~

~~vi. In the opinion of the Director of the City of Tallahassee Growth Management Department, the significant grades onsite are not critical for buffering or maintaining ecological integrity of preservation features or other conservation features onsite or on an adjoining parcel;~~

~~B. Demonstration of necessity for off-site mitigation.~~

~~i. The applicant shall demonstrate to the satisfaction of the Director of the City of Tallahassee Growth Management Department that the development cannot be made compatible with the significant grades on site; and~~

~~ii. The applicant shall demonstrate to the satisfaction of the Director of the City of Tallahassee Growth Management Department that the development cannot avoid, ameliorate, or minimize impacts to the significant grades on site.~~

~~C. Employment of the off-site mitigation option:~~

~~i. Employment of the off-site mitigation option shall preclude the use of incentives, including subsections 5-85(e) and 5-86(f)(1) of the City's Code, that reduce the percentages of the site dedicated to landscaping or urban forest preservation.~~

~~ii. An off-site mitigation plan for the development of significant~~

~~grades onsite has been approved and in the opinion of the Director of the City of Tallahassee Growth Management Department provides net environmental benefits.~~

~~iii. If there exists within the same drainage basin as the site of the proposed development a mitigation bank that is managed to provide environmental services ordinarily provided by significant grades, such as topographic diversity and the presence of vegetation communities~~

~~commonly associated with significant or severe grades, then the applicant shall be directed to participate in that mitigation bank.~~

~~iv. If a mitigation bank consistent with the intent of paragraph 5-81(a)(2)d.3.C.iii. of the City's Code does not exist within the same major drainage basin as the site, the applicant shall be directed to participate in a mitigation bank located elsewhere.~~

~~v. If no mitigation banks exist consistent with the intent of paragraphs 5-81(a)(2)d.3.C.iii and 5-81(a)(2)d.3.C.iv of the City's Code, the applicant shall acquire or use a conservation easement or similar instrument to protect in perpetuity lands that are twice (two times) the area of the significant grades onsite to be mitigated and that are located within the same major drainage basin. It shall be preferred that such lands be contiguous and not fragmented.~~

~~vi. If no such property can be protected under paragraph 5-~~

~~81(a)(2)d.3.C.v of the City's Code, an applicant may pay a fee in lieu. The amount shall be calculated as follows: Three hundred percent of the property appraiser's assessed value for the property, divided by the total square footage of the property, and multiplied by the number of square feet of the significant grades onsite to be mitigated. This amount shall be deposited into an account whose sole purpose is to acquire and manage lands that provide the environmental benefits associated with significant grades.~~

~~D. Any site employing the off-site mitigation option for significant grades shall comply with any applicable stormwater standards adopted to further compliance with total maximum daily loads (TMDLs) or other surface water management programs or plans adopted by local Government.~~

~~4. High wage employment exception. Development in more than 50 percent of the significant grade areas may be permitted at the discretion of the City Commission for any proposed development (no matter where it is located) that exclusively contains industrial and/or office uses that create a significant number of new high wage employment. In deciding whether to grant such an exception, the City Commission shall conduct a public hearing and may consider factors like the number of jobs that are proposed to be created, the average annual wage of the jobs that are proposed to be created in comparison to the average annual wage of Leon County, and the applicant's long-term level of commitment and ability to provide the jobs.~~

~~5. Sediment and erosion controls for properties with significant grades. Properties containing significant grade areas shall install a "heavy duty silt barrier" for sediment and erosion control. The "heavy duty silt barrier" shall consist of a double row of type IV silt fence (as referenced in the state department of transportation's "Roadway Traffic Design Standards" and the state department of environmental regulation's "The Florida Development Manual: A Guide to Sound Land and Water Management"). One row shall be placed at the toe of the slope. The other row shall be placed ten feet beyond the toe. The silt fence placed beyond the toe shall be a silt barrier that consists of a type IV silt fence supported by "hog wire" fence. Wooden posts shall be six feet long and four inches in diameter and placed a minimum of two feet into the ground to support the "hog wire" fence. A continuous row of hay bales staked two feet on-center shall face the toe of the slope. All silt fences and hog wire fences shall be trenched and extended six inches below grade. Wooden posts shall be installed eight feet on-center on the downhill side of the trench. The Director of the City of Tallahassee Growth Management Department may approve an~~

~~alternative sediment and erosion control plan if it is demonstrated by the applicant that such alternative provides a higher level of protection.~~

(3) (same)

SECTION 12. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended, which provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.

SECTION 13. Severability. If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 14. Effective date. This ordinance shall be effective according to law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this ____ day of _____, 2013.

LEON COUNTY, FLORIDA

BY: _____
_____, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE

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

2005 City Focus Group

Request to the Focus Group

Thank you for assisting me with the slopes issue in our community. I appreciated the direct and nonconfrontational dialogue from each of you during our discussions on this matter. Your different perspectives and backgrounds should significantly contribute to this process. As we discussed on Tuesday, I am looking for you to send me clear bullets on what you feel should be the purpose and intent of slope preservation, if any. If you feel they should not be protected, I also would expect clear statements as to why they should not be protected. After I have received comments from the entire group, I will assemble for all to review. Please have your comments back to me by this Thursday (8/25/05) so that I can keep this process moving.

As I mentioned on Tuesday, we will assemble every policy and code language that addresses each of your issues related to slope preservation. Once this information is put together, I will distribute and call our second meeting.

Again, thanks for your participation.

Wayne

Tom Asbury

All development creates problems whether you are developing on a flat piece of dirt or a slope. We have put in place a very restrictive set of ordinances to deal with the problems associated with developing land. Let's use it for that purpose.

I see no good reason for restricting sloped areas other than to create more green space in a development. Our comp plan designates we should develop to a higher density within the urban core in order to take advantage of the very expensive infrastructure.

If we want to set aside an area within a development that will remain green (water feature, landscaped, etc.) then let's decide what percent it should be, live with it, and build on the balance of the property.

Nancy Miller

I want to second Laurie's comment that these areas that are off limits to development should not be taxed at the rate applied to other property. For a long time I've wondered why a different taxing structure didn't exist for wetlands, severe grades, unique forest stands (native and hi quality successional) and to some extent floodplain. If the community wants these areas protected, the land owner should get some benefit for having that unique resource on his property.

I just thought of something I left out - soil types and rainfall amounts and intensity. The soil types - Orangeburg, Dothan and Norfolk – are very erodable and are concentrated in

the Red Hills area, which is under the most intense development pressure. Couple those soils with the rainstorms we have, unique in their intensity but also in high volumes, and you have very sensitive and potentially unstable situation.

Now I'll read what the rest of you wrote.

In reviewing some old records as to how the slopes protection came about, I find that it was originally in the city and county ordinances prior to the development of the comp plan. Respect for local topography was apparently just common sense back then. That practice has stayed in place today. Both local jurisdictions stress the need to coordinate the land use with the natural topography.

Why protect slopes?
- Community character. This community is identified by its rolling hills and the people who live here are proud of the way their community looks. Every advertising effort to attract business and people to Tallahassee touts the beauty of rolling hills (and the tree cover). The ups and downs of Mahan Drive, Apalachee Parkway, and all our local roads make traveling through town interesting and pleasurable. The topography makes us different from the rest of Florida - we have topography, yet we're only a few miles from the coast.
- Maintaining the integrity of the land itself. Vegetation is not just what appears on top of the land. The root mass below the surface makes up a complex matrix, developed over hundreds of years, that holds the ground together. That matrix may extend deep into the land surface and when the vegetation is removed, that matrix begins to fall apart. Replanting takes a long time, if ever, to recreate that matrix.
- Erosion, water quality degradation and the TMDL issue. Everyone knows that we have a problem with sedimentation degrading area streams and lakes. Sedimentation just plain smothers an aquatic ecosystem. And since there is so much phosphorus in our soils, that sedimentation creates the added problem of nutrient pollution. Local government is currently under negotiation with EPA and FL DEP as to the amount of phosphorus that can be allowed in area waterbodies (TMDL) and that phosphorus is attached to soil particles. At a February 7, 1990 special city commission meeting, a member of the EMO citizens committee said, "the Federal Register had reported that the two primary causes of urban pollution were those that resulted from the oil and grease from roadways and FROM CONSTRUCTION, ESPECIALLY WITH SEDIMENT FROM CONSTRUCTION SITES." Right now those slopes where vegetative cover is intact help to prevent soil erosion.
- Saves taxpayer money. Stringent standards that prevent the alteration of that vegetative integrity I talked about help to ensure that we don't face higher costs to treat pollution and runoff, to build stormwater ponds, to restore waterbodies and to pay EPA fines. Keeping those slopes as undisturbed as possible actually saves taxpayers money. NOTE: It's not enough to say "Well, we'll make the erosion controls stronger." The controls we have now aren't doing the job. There is not enough enforcement, and it's just really difficult to control erosion anyway.
- Severe slopes usually harbor other preservation features and are areas of biological diversity.

In closing I'd like to add two comments:
Severely impacted watersheds around the country like the Chesapeake Bay, Puget Sound and the Great Lakes Basin are moving into developmental practices called low impact development (LID). Important premises of LID are that the land use is coordinated with the natural topography of the site and that the site is graded as little as possible. Now reread my first paragraph. Our city fathers knew this thirty years ago. What does that say for us?

Second, why are we here? Leon County is 445,000 acres in area. Outside of conservation areas we have 805 acres of severe slopes in the city and 1000 acres of severe slopes in the county. That's 0.4% of our land area. There are 17,000 acres of significant grades throughout the county (outside of present conservation areas) or 3.8% of our land area. Haven't we got more pressing problems?

Charles Pattison (8/17/05)

1. the JUSTIFICATION for slope protection IS RELEVANT for the following reasons as identified as preservation features in the comprehensive plan in order to prevent:

   degradation of water quality

   degradation of freshwater storage capabilities

   degradation of biological productivity

   damage to property/loss of life from flooding

   degradation of viability/diversity of native plants/animals and their habitats

   loss of irretrievable or irreversible resources.

   Further, an excerpt from "development criteria" for significant grades says:

   > "The intent of protecting sloped areas of ten percent and above is to Maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation."

   The above are as valid today as when they were adopted in 1992(?) Why change? This was a conscious statement of community policy that the public does not want ENGINEERED solutions to these issues, meaning, where possible, just leave slopes alone.

2. The point should be that each of the above factors are present in differing degrees. In other words, one site with slopes may not have anything to do with plant or

animal habitat or even flooding. If that's the case, then why should a restrictive standard be applied? There is no good answer.

I suggest staff consider a MATRIX of values be prepared in conjunction with the biological staff so that values are assigned to each factor. Factors totaling an agreed upon threshold would either be given more or less latitude to disturb or preserve a slope feature. When a draft is completed, it should be reviewed by an acceptable peer group of outside biologists.

However, if the staff is not comfortable with this approach, then I recommend NO CHANGE.

3. One key component not found in #1 above is the preservation of visual quality. A diverse landscape, with slopes, is one of the things that make Tallahassee unique. We don't want to look like anyplace USA.

   One problem with the current requirements is that they don't allow for flexibility in meeting the standards. For example, consider Policy 1.2.2(L):

   "The type, intensity and structural design of any development proposed for a site shall be appropriate to the existing natural topography."

Staff should develop criteria that biologist, engineers and citizens can agree upon that allows one to build even in a severe slope areas IF (1) a matrix as suggested in #1 above suggests approval, and (2) a design can be shown to not be detrimental to the protection of the slope at issue.

4. The engineering section needs to show why/how removing slope protection DOES NOT increase public costs of treating stormwater elsewhere, including offsite. Related to this, studies should be done to show WHY on-site stormwater retention is preferable to regionalized systems.

5. I believe INCENTIVES should be developed that promote the preservation (by recorded easement) of the most severe slopes, with the idea that a property owner with a high quality/most sensitive slope actually gets credit for having and maintaing such a feature. The "incentive" could be more density or intensity of uses that may even need to be transferred to another site.

6. What happened to **offsite mitigation**? My understanding is that this was added recently with no takers even though this was pointed to as the solution to "infill". Has this option been explained to the development community?

7. NO CHANGES should be made to slope protection without understanding the impact such changes could have to other ordinances, and vice versa, regarding other issues such as stormwater, native vegetation, density, lot size, etc.

8. How big a deal is this problem? Nancy Miller read off acreage figures that suggest this is a very small percentage of acreage for both the city and county. What is the push for any change?

9. Really should explore building height increases in most areas as a way to allow for more development without increasing the building footprint. This should be helpful EXCEPT within the historic district.

10. Really need to look at WHERE slope protection is critical, and in particular, where offsite mitigation is most appropriate. It would certainly seem that protecting very small, isolated slopes within the urban service boundary (unless there are some outstanding habitat are other factors) has less value that conserving larger, more intact systems elsewhere. So, I suggest our group also needs to look at the current line for where not only offsite mitigation is allowed, but possibly the creation of other "lines" that provide for more or less flexibility depending on the value of slopes in play.

Zoe Kulakowski

Attached is what I prepared this weekend focusing on why we need slope preservation. I am not against any proposal to allow development on some steep slopes such as the matrix Charles suggested, but the problem would be using criteria that would not be subjective. We would need concrete and defensible criteria. Perhaps some examples of high value and low value steep slopes could help here.

Slope protection is needed to prevent erosion, retain well-established vegetation, maintain topography, protect surface water and groundwater quality, and to protect habitat. Each aspect is discussed below in detail.

(1) One of the reasons for the regulations regarding significant (10% to less than 20%) and severe (greater than 20%) slopes is to control erosion. In Tallahassee, these steep slopes are often formed on clays and clayey soils that are easily eroded when the native vegetation is removed. Building on these slopes requires constant maintenance, repair and revegetation of the adjacent ground surface. Stormwater runoff erodes these clays, generating turbid runoff that produces deposits (deltas) at the bottom of the slopes or turbidity plumes in the downhill streams and water bodies.

(2) By retaining the native well-established vegetation, the soil is secured to the ground surface by ground plants, shrubs and trees. The leaves deflect the force of rainfall from disturbing the surface soil and this benefit is lost when the vegetation has been removed and mowed. A wide variety of plant types have a wide variety of root masses; some thick and close to the land surface and others (such as trees) may have roots that extend 10-30 feet below ground surface. To understand root mass benefit, think of rope that has many slender strings that would break as an individual but collectively produce a very strong rope. These established root masses increase the porosity/permeability of the soil and thus allow greater infiltration of stormwater into the soil. The more water that drains into the ground, the less that is available to flow over the land surface and erode the soil. The increased porosity of the soil is quickly lost when the vegetation is removed because

those root mass pathways decay and minimize in number and size without the living plant. The root mass also removes the nutrients from the stormwater when the plants take in water for their daily needs. The volume of groundwater extracted for plant needs can be substantial. Consider that each oak tree needs 30-40 gallons per day.

The native plants also slow the flow rate of stormwater by increasing the tortuosity (more curves and a longer flow path) and roughness (an engineering term that assigns a value for different ground covers. A forest has greater roughness than grass and grass is better than concrete.) The speed of flowing water has a direct relationship with its ability to erode and sediment carrying capacity and slow speeds are crucial to preventing erosion. Undisturbed native vegetation is denser in its coverage than any landscaping. Undisturbed native vegetation is also more effective than any engineered structure.

(3) Alteration of the topography is mainly an aesthetic impact. In the Appalachian area we see many former borrow areas converted into commercial property with the resulting cliff still visible behind the building. Any recontouring of the land surface removes the topsoil and organic component necessary for re-establishing vegetation as well as the roots.

(4) Eroded sediments affect surface water quality by the turbidity that reduces/eliminates water clarity. Any nutrients (from fertilizers) and pesticides previously applied to the soil are also now in the surface water. These nutrients and pesticides behave the same as they do in soil; encourage the growth of plants (flora) and kill small beneficial organisms (fauna) that are part of the food chain. The net result is an imbalance of flora and fauna where by not enough organisms remain to consume the excess plant growth.
Our area is dotted with sinkholes and other karst features that allow rapid connection between surface water and ground water. Some of these sinkholes are located on lake bottoms (Lake Jackson and Lake Lafayette) and other sinks are known to reverse flow, sometimes swallowing surface water and other discharging as a spring. We have gaining (from ground water recharge) and losing (surface water drains to ground water) streams and these conditions can reverse during the year.

(5) Erosion affects upland and aquatic creatures by destroying their habitat by burial. Many species have shelter in the soil and sediment, under logs and in the plants. Sediment burial and the turbidity in the water column limit the ability of aquatic creatures to find and capture food.

Typical stormwater treatment systems are capable of reducing the total pollutant load by 80-95% and phosphorus by 60%. Vegetation growth remains the best and most cost-effective way to remove nutrients from stormwater. In fact, the Everglades Restoration Project is building huge Stormwater Treatment Areas (STAs) that are no different from wetlands to reduce phosphorus.

Laurie Dozier
Given that I am not an engineer, a land planner, a geologist, a biologist, etc. the comments below are mainly observations based on what I've heard or read and personal opinions.

What I've heard or read:

-There are 450,000 acres in the City (or was it the County?)
-There are only 1,800 acres of severe slopes
-There are only 17,000 acres of significant slopes (of which 50% are currently allowed to be developed)
-Development of over 50% of significant slopes is allowed for urban infill and to create new high wage jobs
-Off-site mitigation is allowed
-Everything in Zoe's comments

My Thoughts

-If we are currently allowed to develop 50% of significant slopes on any site, are allowed to develop property with significant slopes if we have off-site mitigation and are allowed to develop more than 50% of significant slopes for urban in-fill or high paying jobs then the limitation on developing significant slopes seems to me to be based on feel-good notions rather than science.

-Zoe, while I understand and appreciate all that you have written, it seems to me that your comments apply to all property. Clearly, any development, regardless of topography, is a great step-down for the environment. It seems that the unique features of greater slopes is the soil type and the velocity - the more clay in the soil + the greater velocity of run-off = increased erosion. Since we are talking about developing property, not clearing it alone, the difference in steeper slopes seems to be controlling the run-off during construction. While I know first hand how improbable it is to design temporary controls for our 6" storm events, I would guess, given the limited number of acres in play, that the blowouts on properties with steep slopes, however great, would be significantly less than the combined flatter properties being developed.

-I would hope that property which currently can not be developed is not being taxed at the level of developable land, if it is, then I believe we owe those tax payers a refund.

So, what do I think?

Given:

-That significant slopes can already be developed
-That there is a very small amount of land designated as severely sloped
-That we expect development to continue in our community
-That we are talking only about land in the City limits

It seems to me that the main reason to keep significantly and severely sloped land undeveloped is because they may be unique and beautiful. Therefore, just as governments have been doing for some time, I believe our community should buy the land they want to preserve and allow our strong environmental ordinances to control how land is developed.

Cliff Lamb
Thank you for your efforts in this endeavor. In response to your request, I would first like to outline my observations to establish my frame of reference with regard to slope regulation.

Historically, developments were more self-regulated than code driven. You can see areas throughout the urban core that are vacant because they were passed over by development activities due to any number of reasons. Some of those were bypassed simply because they contained slopes. It is openly recognizable that development on sloped terrain creates its own difficulties for the developer and adds to the cost of construction and management, thus the earlier reference to self-regulated developments.

- A positive attribute of the historical development pattern is that slopes were reserved, as a practical matter, rather than regulation.

- A negative attribute of this development pattern was that urbanization was expanding more rapidly than the supporting infrastructure could handle.

Enter the Comprehensive Plan. Policies were emplaced to eliminate urban sprawl, control the urban core and develop only where the necessary supporting infrastructure was in place. I think that it is agreed that a fundamental premise of the comprehensive plan objectives is for infill before expansion.

The comprehensive plan also calls for the protection of natural features and list slopes within that category. This is a direct conflict with the concept of infill. If asked to evaluate the conflict, I would look at the benefit/cost to the community, on both sides of the issue.

The benefits of slope protection include wildlife habitat, soil conservation, green space for infiltration, as well as other elements that I trust will be adequately addressed by representatives of the committee. As a consultant sitting on the committee, I believe that I can provide perspective by summarizing the practical <u>application</u> of the regulations.

There are parcels today that meet all the concurrency requirements, sewer, water, transportation, schools, etc., and meet all the zoning requirements for density within the urban services area, but are restricted due to the slope regulations. Under-developing what would otherwise be "developable" parcels (with the zoning and concurrency, utilities, etc.) due to slope regulations only brings <u>pressure to expand the urban service area</u> to meet the un-serviced demand.

It was noted earlier that developing sloped parcels is more costly than flat parcels. These additional costs relate to cut and balance, stormwater management and construction practices to be employed. However, the cost of expanding the service area, extending or upgrading all fringe infrastructure, etc., far exceeds the cost of site management.

One comment in our initial meeting was that the quantity of lands influenced by the ordinance only represents a small percentage of the County. Be that as it may, then a counter argument would be the impacts from removal of the restriction would only affect a small percentage of the County. I think this argument is irrelevant- the issue remains policy,

> Is the magnitude of the benefit of slope protection equal to the magnitude of the cost of urban expansion that results from lost infill?

I look forward to the discussions. Thank you.

2005 County Blue Ribbon Committee

Workshop Request: Growth and Environmental Management Permit Process Improvement Focus Group Recommendations
April 11, 2006

The Focus Group discussed the slope standards at length and agreed on the following recommendations, which should form the basis for proposed Comprehensive Plan amendments and Code revisions by the County. All recommendations are for proposed changes to the regulation of significant slopes, and the Focus Group recommends that all proposed revisions to the current slopes regulation be limited to inside the USA. The Focus Group recommends that the current regulations for severe slopes remain unchanged except for the interpretative clarification recommended in Number 5 below.

1. Exempt commercial sites inside the Urban Service Area from significant slope standards, provided the sites are less than or equal to three (3) acres in size with no other preservation features present on the site. Associated storm water impacts must be mitigated according to an approved storm water management plan.

2. For the purpose of meeting infill goals within the USA, allow residential development to occur on a significantly sloped site provided that:

- A grading plan is submitted and approved;
- Associated storm water and water quality impacts are mitigated based on performance-based guidelines implemented through the County's LDRs.
- The homeowners' association agrees to be responsible for assurance that storm water management structures remain in place over time and that homeowners are fully aware that such structures located on their properties cannot be altered;
- County GEM retains the right to inspect storm water management facilities at any time; and
- County GEM is authorized to go onto any property that is not in compliance to restore, at the property owner's expense, storm water facilities that may have been altered by the owner or others.

3. Develop guidelines for incorporation into the County's LDRs to allow and encourage the use of low impact development techniques as an alternative to conventional storm water management. Low impact development practices include:

- Minimizing grading to preserve natural topography;
- Clustering development to reduce impervious surfaces and avoid highly erodable or sensitive areas;
- Using on-site bio-retention systems in commercial and residential sites and rain gardens on residential lots to reduce and treat storm water;
- Using vegetated swales instead of costly curb and gutter systems; and
- Using permeable pavement materials in low-use areas to increase infiltration and reduce runoff.

4. Do not protect or regulate manmade slopes (significant or severe). The Comprehensive Plan states that it is not the intent of the slope policy to regulate manmade slopes (such as drainage ditches), yet there are anecdotal instances in which this has occurred. The LDRs should be amended to specifically implement this Comprehensive Plan policy regarding manmade slopes.

5. Do not protect or regulate isolated significant slopes that are 0.25 acres or less in size. Small areas of severe slopes of 0.25 acres or less that are part of regulated significant slope features should be treated as significant slopes.

Staff supports the recommendations from the GEM Focus Group as outlined above with regard to the regulations of significant and severe slopes. Staff recommends that they be utilized as the guiding criteria for any proposed changes to the Comprehensive Plan and LDRs regarding the protection and regulation of slopes.

(3) GEM Special Project Assignments

- **Gem Special Project Assignments (Workshop Item C./Page 32)**

In the April 26, 2005 Board workshop item, staff noted that a substantial amount of staff time (estimated at approximately 55% or greater) is associated with Board-assigned special projects and other non-fee related activities, such as code enforcement and grants management. Additionally, staff provides support for the several code-established boards and Board-appointed citizen's advisory groups and committees. Staff had requested Board direction concerning this issue.

The Focus Group discussed this issue and concluded that the Board will and should continue to assign special projects to GEM, and staff will and should be required to provide support to the various boards (Code Board, BOAA, etc.) as required by County Code. In order to address these types of assignments and to assist with the development review and permit streamlining as recommended by the Focus Group, the Group recommends that the Board approve additional staffing for the Department. Additionally, the GEM Focus Group recommends that the Board increase the applicable fees as appropriate to off-set the costs associated with the additional staff.

(4) Initiatives/Recommendations from the GEM Focus Group

The following items and issue areas associated with the permitting process were not specifically identified and discussed in the staff workshop item that was presented to the BCC on April 26, 2005.

- **Revising and Updating the Public Works Design Guidelines Manual.**

At the request of the Focus Group, staff from the Public Works Department met with the Group to

Minimum Countywide Environmental Standards
Citizen's Committee Meeting
December 2, 2011
11:30am

Citizen's Committee Members in Attendance: Roger Wynn, Cliff Lamb, Carmen Green, Judy Hayden, and Pamela Hall.

Staff in Attendance: John Kraynak, David McDevitt, Karen Jumonville, Laura Youmans, Linda Hudson, Hetal Desai, Dwight Arnold, Brian Wiebler, Steve Palmer, Rodney Cassidy, and Jill Weisman.

Meeting was called to order by David McDevitt.

John Kraynak gave an overview of the topics to be discussed at today's meeting, but added that two more issues had arisen recently that staff requested the Citizen's Committee review and provide recommendation.

The two additional topics were the definitions of "native forest" and "tributary." In regards to native forests, staff recommended striking the statement in the County's current definition that states, "These plant communities are recognized as those occurring in Leon County at the time of European settlement." After a brief discussion, the Committee agreed with the staff recommendation. Pam Hall also noted that within the recommended draft language for this definition under characteristics for a high quality natural community, the "and" and "or" statements do not correlate and should be revised.

Discussion followed regarding the second additional topic, the definition of tributary. The consensus of the Committee was to delete the definition for tributary from the draft ordinance, since the current definition of "watercourse" encompasses tributaries.

The discussion then progressed to the regularly scheduled agenda items. The first item of discussion was the regulation of wetlands. County staff recommends that the City EMO be revised to prohibit construction in wetlands, but City staff does not support this recommendation. After discussion, including the fact that any proposed construction within a wetland would require North Florida Water Management District approval anyway, the Committee consensus was to maintain each jurisdiction's regulations as currently established in their respective codes.

Regulation of significant slopes was then addressed. Staff recommendation was to maintain both jurisdictions' respective codes as currently established, but with additional language to allow disturbances within significant slopes in certain circumstances and in specific geographical areas. Discussion ensued, including the acknowledgment that in order to incorporate the additional language to allow for relaxation of the slopes regulations in specific circumstances would require a Comprehensive Plan amendment. The group also determined that this Comprehensive Plan amendment would need to reflect different slopes regulations for properties inside versus outside the Urban Service Area. The consensus of the Committee was to accept the staff's recommendation, and to support the required future Comprehensive Plan amendment, including the caveat that the standards would be different for properties inside versus outside the USA.

The final topic for discussion was the construction of sidewalks within the Canopy Road Protection Zone (CRPZ). The area for Committee recommendation focused on the maximum

sidewalk width allowed by City and County within the CRPZ. After a brief discussion, the Committee consensus was to accept the staff recommended draft language, but change the stated four (4) foot width to five (5) foot width.

General discussion then followed, including the question of how to differentiate between "County/City Administrator or designee" references. If was determined that the attorneys from both jurisdictions would discuss and determine the best was to generalize these references.

David McDevitt stated that a status report agenda outlining the progress of this Committee is scheduled for the December 13th BCC meeting. John Kraynak will finalize the draft ordinance based on the Committee's recommendations, and will forward it to all members for review.

Also mentioned was the need for an established procedure for future amendments to the minimum standards ordinance. Staff suggested that a committee comprised of the Directors of County DSEM, City Growth Management, and PLACE convene on an as-needed basis to review any proposed amendments. Laura Youmans suggested an interlocal agreement that would establish a clear set of procedures. It was determined that the Committee would convene again in January to discuss this issue further and make a recommendation.

The final issue discussed was whether or not to strike the section in the County's EMA entitled "Best Management Practices." It was determined by the Committee that since each of the topics included within this section is included within other sections of the code that this section is redundant and should be removed.

Meeting adjourned at 1:15pm.

Leon County Code Related to Topographic Changes and Stormwater

Sec. 10-4.327. - Topographic alterations.

All projects involving alteration of the contour, topography, use or vegetation cover of land, shall comply with the following minimum standards:

(1)

Sedimentation and ***erosion*** ***controls****.*

a.

Installation of ***controls****.* No clearing, grading, cutting, or filling shall commence until **erosion** and sedimentation **control** devices have been properly installed, in accordance with an approved plan, between the area to be disturbed and adjacent property, water bodies, watercourses (including inlets and culverts), and wetlands. Clearing and excavation required for installation of **erosion** and sedimentation **control** devices is allowed provided no activity occurs more than five feet from the location of **control** devices as specified in an approved plan.

b.

Methods of ***controls****.* **Erosion** shall be minimized and sediment retained on the site of development through the application of best management practices approved as part of the environmental management permit. Methods of **control** shall be suitable for site size, vegetative cover, soil type, slope, design features and proposed construction sequence and activities. Allowable methods include:

1.

Limiting the amount of clearing necessary.

2.

Staging clearing activities to minimize the length of time any area is left unstabilized and to minimize the total area cleared at any one time.

3.

Temporary gravel construction entrances.

4.

Straw bale barriers.

5.

Silt fences.

6.

Storm drain inlet protections.

7. Temporary diversion dikes.
8. Temporary sediment traps.
9. Temporary sediment basins.
10. Temporary stream crossings.
11. Seeding so as to establish an appropriate vegetative ground cover.
12. Sodding.
13. **Erosion control** and seeding mats.
14. Other suitable methods as approved by the county administrator or designee.

c. *Maintenance of **controls**.* Once properly installed, **erosion** and sediment **controls** shall be maintained pursuant to section 10-4.210 until a permanent vegetative ground cover is established. Any site or portion thereof where work is not being performed as part of the current phase of development, and which remains cleared for over 30 days, shall be stabilized through the establishment of appropriate ground cover. All disturbed areas shall be permanently stabilized through the establishment of appropriate vegetative ground cover upon completion of development activities on the site.

(2) *Grade change limitations.* It is the intent of this article to minimize alterations of the natural topography of land within the county.

a. The type, intensity, and structural design of each proposed development project shall be consistent with and compatible with natural pre-development topography and characteristics of the proposed site.

b. Alterations of natural topography shall not exceed the absolute minimum necessary to develop a site safely. Design criteria will emphasize site designs that fit the topography, not change the

topography to fit the design. Any development proposed for a site shall be appropriate to the existing natural topographical characteristics of the site, while recognizing that minimal grade changes are essential to site development.

ATTACHMENT #18

Staff Report PCT130110

TEXT AMENDMENT #: PCT130110

APPLICANT: Tallahassee-Leon County Planning Department

TEXT/POLICY I.D. #:
Glossary Terms for: High Quality Successional Forest, Native Forest, and Wetland.

CITY _X_ COUNTY _X_

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCT130110

A. SUMMARY:

The requested text amendment is intended to update definitions included in the Comprehensive Plan Glossary based on the updates conducted by the City and County as part of the Countywide Minimum Environmental Standards project. This update will help to avoid any future confusion related to significant differences between the environmental definitions in the Comprehensive Plan and those in the Land Development Code of each jurisdiction.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The requested amendment will avoid future confusion related to differences between the environmental definitions in the Comprehensive Plan and those in the Land Development Code of each jurisdiction.

2. The requested amendment further implements the Countywide Minimum Environmental Standards project.

C. EXISTING TEXT/POLICIES: See Attachment #1

D. PROPOSED TEXT/POLICIES: Attachment #1 includes all proposed amendments in legislative format and provides staff notes describing each change.

E. APPLICANT'S REASON FOR THE AMENDMENT:

The proposed text amendment is intended to update definitions included in the Comprehensive Plan Glossary based on the updates conducted by the City and County as part of the Countywide Minimum Environmental Standards project. These changes will avoid confusion between the definitions included in the City and County Code and the definitions in the Comprehensive Plan.

F. STAFF ANALYSIS

History

The proposed amendments are associated with implementation of the Minimum Countywide Environmental Standards project as proposed by the Citizen Charter Review Committee. The Charter Amendment that initiated this process was approved by voters on November 2, 2010 and became effective April 1, 2011.

At their December 13, 2010 Retreat, the Board approved a staff proposal to implement the Charter Amendment through a "two-phased" approach. Phase 1 consisted of adoption by the Board of uniform stormwater management standards for water quality in those basins and/or special study areas that bisect jurisdictional lines, and incorporated the City's environmental regulations into the County Environmental Management Act (EMA). The Phase 2 component of implementation included coordinating with the Board-appointed Citizen's Committee and City staff to integrate all remaining County and City environmental regulations into one recommended Minimum Countywide Environmental Regulations Ordinance adopted by the Board on May 8, 2012.

Planning Department staff participated in the Phase 2 implementation process to ensure that all changes to the City and County regulations were consistent with the Tallahassee-Leon County Comprehensive Plan. Through this process, the three Glossary definition updates included in this amendment were identified.

Analysis of Proposed Text

The proposed definition changes noted in Attachment #1 are intended to directly implement the definitions developed by City and County Staff, approved by the Board-appointed Citizen's Committee, and already adopted into code by the Board and the City Commission. This update will help to avoid any future confusion related to significant differences between these environmental definitions in the Comprehensive Plan and the Land Development Code of each jurisdiction.

County Strategic Priorities

By completing implementation of the Countywide Minimum Environmental Standards project, the proposed amendment supports one of the Board's key Strategic Initiatives regarding the environment: "Implement strategies that protect the environment and promote orderly growth,

including: develop Countywide Minimum Environmental Standards, develop minimum natural area and habitat management plan guidelines, integrate low impact development practices into the development review process, and consider mobility fee to replace the concurrency management system."

G. CONCLUSIONS:

Based on the above analysis, the Planning Department recommends approval of the amendment request for the following reasons:

1. The requested amendment will avoid future confusion related to differences between the environmental definitions in the Comprehensive Plan and those in the Land Development Code of each jurisdiction.

2. The requested amendment further implements the Countywide Minimum Environmental Standards project.

H. ATTCHMENTS:

Attachment #1: Amendment in Strikethrough/Underline Format with Staff Notes

GLOSSARY

HIGH QUALITY SUCCESSIONAL FOREST: *(Rev. Effective 12/10/91)* ~~(City of Tallahassee only)~~
High quality successional forest ~~is an early stage in natural community development characterized by an ability to provide wildlife habitat and within which natural community type species are present in such numbers, size, and diversity that succession is toward a recognizable mature natural community.~~ shall mean a medium quality natural plant community that is a forest type described in the Florida Natural Areas Inventory publication "Guide to the Natural Communities of Florida." These forests typically show signs of past disturbances, but still retain a good distribution of high quality indicator species. A medium quality natural community generally possesses the following characteristics:

1) The floristic composition contains many of the more common species typical of the natural community type, although most rare species are absent;
2) The community may contain invasive exotic plants that could be controlled through management;
3) The community has likely had some past disturbance, but not to the extent that the potential for recovery or restoration to a high quality natural community is significantly impaired (unauthorized activities in high quality successional forest areas resulting in a violation of the ordinances will not be excluded from protection as such).

~~**HIGH QUALITY SUCCESSIONAL FOREST:** *(Effective 7/16/90)* (Leon County only) High quality successional forest is a community of mixed or single species of trees and understory vegetation with both mature and immature trees, comprised of a mix of age classes that does or would support an abundance of wildlife.~~

Staff Note: The above change provides for a unified City and County definition for "High Quality Successional Forest." The updated definition provides increased clarity for implementation and was developed by City and County staff as part of the Countywide Minimum Environmental Standards project.

~~**NATIVE FOREST:** *(Rev. Effective 12/10/91)* (City of Tallahassee only) A vegetative community (1) dominated by native species, including trees, understory vegetation and wildlife, and (2) structured as a forest type described in the Florida Natural Areas Inventory publication, "Guide to Natural Communities of Florida." Historical disturbance may have occurred but has not destroyed or prevented re-establishment of the community. Standard professional measures will be used to evaluate the quality of the subject area along with other biological and physical factors that may be evident.~~

NATIVE FOREST: *(Effective 7/16/90)* ~~(Leon County only) A community of vegetation, including trees, understory vegetation and associated wildlife that were present in Leon County prior to European settlement.~~
Native forest shall mean a high quality natural plant community that is a forest type described in the Florida Natural Areas Inventory publication "Guide to the Natural Communities of Florida." A high quality natural community generally possesses the following characteristics:

1) The plant species composition is dominated by high quality indicator species which are typical of their natural community type;
2) The community may contain invasive exotic plants that could be controlled through management;

3) Evidence of historical disturbance may be present, but the disturbance has not destroyed or prevented the re-establishment of a high quality natural community type.

Staff Note: The above change provides for a unified City and County definition for "Native Forest." The updated definition provides increased clarity for implementation and was developed by City and County staff as part of the Countywide Minimum Environmental Standards project.

WETLAND (*Revision Effective 6/28/02*)**:** Wetlands mean those areas included within the landward extent of surface waters of the state, pursuant to applicable rules in the Florida Administrative Code, or any area which is ~~that are~~ inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and which under normal circumstances does ~~or would~~ support~~, at least periodically,~~ a prevalence of vegeta~~ta~~tion typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing~~ed~~ soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligated hydrophy~~y~~tic macrophytes that are typically adapted to areas having soils conditions described in this definition~~above~~. These species, due to morphological, physiological, or reproductive adaptations have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps and marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The City of Tallahassee and Leon County intend to continue to protect isolated wetlands and wetlands on properties held by a single owner. Isolated wetlands and wetlands in one ownership must meet the State of Florida's definition for wetlands with regard to percent composition of wetland plant species, hydrologic indicators, and soils (Chapter 62-340, F.A.C.)

Staff Note: The above change provides new text for consistency with the Florida Administrative Code. Additional edits small edits are included to improve accuracy.

ATTACHMENT #19

Staff Report PCT130111

TEXT AMENDMENT #: PCT130111

APPLICANT: Tallahassee-Leon County Planning Department

TEXT/POLICY I.D. #: Mobility Policy 1.1.10 and Land Use Policy 2.1.8 and 2.2.10

CITY: _X_ COUNTY: _X_

DATE: January 9, 2013

STAFF RECOMMENDATION: Approve Amendment PCT130111

A. SUMMARY:

This is a request to amend the Mobility Element and the Land Use Element. The amendment updates and removes outdated language in Policy 2.1.8 [L], Policy 2.2.10 [L] and Policy 1.1.10 [M], and correctly identifies the policy guidance to receive a density bonus in the Mobility District (Multi-Modal Transportation District).

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

The proposed amendment clarifies and updates policies 1.1.10[M], 2.1.8 [L] and 2.2.10 [L] to make them consistent with the Comprehensive Plan.

C. PROPOSED POLICIES CHANGE:

Policy 1.1.10 [M]

MMTD Residential Density Bonus. In order to increase redevelopment and infill development, residential densities within the MMTD may be increased up to 35% above the maximum allowed in the Residential Densities Range Table. This bonus shall not apply to lands designated Residential Preservation. Further bonuses may be applied to the Downtown. Eligibility criteria for these bonuses will be established within the land development regulations and shall include design standards facilitating pedestrian oriented site and building design with enhanced pedestrian access and amenities, urban scale development, innovative parking strategies, integrated mix of land uses, and other urban design features. ~~In areas designated Central Core on the Future Land Use Map, any development with density of more than 10dwelling units per acre shall be consistent with these design standards subject to further clarification in the Land Development Code.~~

Policy 2.1.8: [L] (*Revision Effective 7/26/06; Revision Effective 1/7/10)*

Maintain a viable mix of available residential densities to accommodate a variety of housing types. Current residential densities are summarized below:

RESIDENTIAL DENSITIES RANGE *(Revision Effective 12/15/11)*

Future Land Use Category	Maximum Gross Density - Dwelling Units (DU)/Acre (Ac)[1]	Minimum Gross Density Dwelling Units (DU)/Acre (Ac)
Rural	**1 DU/10 Ac**	**No minimum**
Urban Fringe	**1 DU/3 Ac (standard) or 1DU/3 Ac (Conservation subdivision)**	**No minimum**
Urban Residential	**10 DU/AC**	**4 DU/Ac**
Urban Residential 2	**20 DU/Ac [2]**	**No minimum**
Village Mixed Use	**20 DU/Ac [2]**	**No minimum**
Suburban	**20 DU/Ac [2]**	**No minimum**
Planned Development	**20 DU/Ac [2]**	**No minimum**
Bradfordville Mixed Use [2]	**20 DU/Ac**	**No minimum**
Central Urban [2, 3, 4]	**45 DU/Ac**	**No minimum**
Activity Center [2, 3]	**45 DU/Ac**	**No minimum**
University Transition [2, 3, 4]	**50 DU/Ac**	**No minimum**
Central Core [2, 3, 4] *(Eff.1/7/10)*	**150 DU/Ac** *(Eff. 1/19/02)*	**No minimum**
Rural Community	**4 DU/Ac**	**No minimum**
Residential Preservation [2]	**6 DU/Ac**	**No minimum**
Lake Talquin Recreation/Urban Fringe [5]4	**1 DU/3 Ac (standard)**	**No minimum**
Lake Protection [5]4	**1 DU/2 Ac (standard)**	**No minimum**

Notes:

[1] Maximum gross density is based on the gross acreage of the site and may not be achievable after addressing applicable land development regulations (e.g., parking, stormwater, and other regulations that may limit maximum development potential).

[2] Density ranges can be increased up to 25% above the maximum limits listed above for the purpose of providing affordable housing units, consistent with Policy 2.1.14 [LU].

[3] Density ranges can be increased up to 35% above the maximum limits listed above for the purpose of encouraging infill development and redevelopment, consistent with ~~Policy 12.2.2 [L]. *(Effective 1/19/02)*~~

Mobility Element Policy 1.1.10 [ME]. *(Effective 12/15/11)*

~~[4] In areas designated Central Core, University Transition and Central Urban on the Future Land Use Map, any development with density of more than 50 dwelling units per acre must be subject to the design standards identified in Policy 12.2.2 [LU]. *(Effective 1/19/02; Rev. Effective 1/7/10)*~~

~~[5]~~ [4] Clustering Option Available

Policy 2.2.10 [L]
CENTRAL CORE *(Effective 1/19/02; Revision Effective 7/26/06; Renumbered 3/14/0; Revision Effective 1/7/10)*

The current Central Core of Tallahassee has a strong government presence. However, the character of this area has changed since 2002 to a more mixed use center with new office, commercial, retail and residential uses. The Central Core of Tallahassee is intended to expand into a vibrant 18-hour urban activity center with quality development. The emphasis in this area is intended to shift from cars to pedestrian, bike and transit modes of transportation. The development regulations within the Central Core area have to be amended to allow for a more urban kind of development where the primary emphasis is on pedestrian, bike and transit modes of transportation. The Central Core area is within the Downtown Overlay. The City of Tallahassee intends to promote mix of uses and higher densities and intensities within its Central core, while promoting multiple modes of transportation. The City shall establish Design Guidelines for this area in order to allow for more mixed use, pedestrian, bike and transit oriented development. Residential development may be permitted up to 150 units per acre. Any development with density of more than 10 dwelling units per acre shall be consistent with the design standards identified in Policy ~~2.1.5~~ ~~[T]~~ 1.1.10 [M] subject to further clarification in the Land Development Code.

The future expansion of the Central Core FLUM will be limited to only those parcels within the Downtown Overlay District when:

- The proposed parcels are contiguous to existing central core FLUM area;
- The proposed parcel has all the infrastructure available;
- The proposed parcel has to exhibit a need for the expansion (eg: parcel of sufficient size not available in the Central Core FLUM for the proposed development).

D. APPLICANT'S REASON FOR THE AMENDMENT:

This is a cleanup amendment to the Comprehensive Plan. The amendment updates and removes outdated language in policy 1.1.10 [M], 2.1.8 [L] and 2.2.10 [L] to make the policies consistent with the Mobility and the Land Use Elements.

E. STAFF ANALYSIS

The Comprehensive Plan currently contains language in Land Use Policy 2.1.8 and 2.2.10 and Mobility Policy 1.1.10 that is not pertinent and needs to be updated. This amendment requests the cleanup of text in these policies by removing the references to the deleted Central Core policies and by referencing the Mobility Element Policy that replaced one of the deleted Central Core Policies (formerly LU Policy 12.2.2). It also correctly identifies the policy guidance to receive a density bonus in the Mobility District. The three specific changes in this amendment are discussed below.

Change #1

In 2011, the City adopted the Community Code, which includes design standards for all lands in the Mobility District. As all areas designated Central Core occur within the Mobility District, the language in Policy 1.1.10 [M] requiring design standards in the Central Core is no longer needed.

Change #2

This change will delete note "4" from Policy 2.18 since it is no longer relevant and will renumber the remaining notes. In 2011, the City adopted the Community Code, which includes design standards for all lands in the Mobility District. As all areas designated Central Core, University Transition and Central Urban occur within the Mobility District, note 4 requiring design standards is no longer needed. Also in 2011, the content of deleted Land use Policy 12.2.2 was moved to new Policy 1.1.10 [M], as part of the new Mobility Element. However, note 3 in Policy 2.1.8 [L] was not updated to reflect this change. The amendment change updates this note to direct readers to Policy 1.1.10 [M] and correctly identifies the policy guidance to receive a density bonus in the Mobility District.

Change #3

The final change will update Land Use Policy 2.2.10 to provide correct policy reference within the policy.

E. CONCLUSIONS:

Based on the above data and analysis, the Planning Department recommends approval of the amendment request for the following reason:

1. The proposed amendment clarifies and updates policies 1.1.10[M], 2.1.8 [L] and 2.2.10 [L] to make them consistent with the Plan.

ATTACHMENT #20

Staff Report PCT130112

TEXT AMENDMENT #: PCT130112

APPLICANT: Tallahassee-Leon County Planning Department

TEXT/POLICY I.D. #: Mobility Element Future Right-of-Way Needs Map

CITY _X_ COUNTY _X_

DATE: November 19, 2012

STAFF RECOMMENDATION: Approval of Amendment PCT130112

A. SUMMARY:

This is a request to amend to the Future Right-of-Way Needs Map in the Mobility Element of the Comprehensive Plan (Attachment #1). As required by objectives and policies contained within the Mobility Element of the Comprehensive Plan, the Future Right-of-Way Needs Map should be reviewed and amended regularly to ensure consistency with locally planned transportation improvements and future growth. The Future Right-of-Way Needs Map was amended in 2011 to ensure consistency between the Future Right-of-Way Needs Map, the Year 2035 Long Range Transportation Plan, and planned local projects.

At this time, the only change requested is the addition of the Paul Russell Road extension to the adopted map. The Paul Russell Road extension was included on the Future Right-of-Way Needs Map prior to the 2011-01 Comprehensive Plan amendment cycle. The proposed Paul Russell Road extension traverses and bisects the English property, and this roadway was removed until such time as the English property was ready for development. In the interim, owners of the English property have moved forward with developing the property and as such, Planning Department staff requests the Paul Russell Road extension be added back to the Future Right-of-Way Needs Map.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed amendment will meet the requirements specified by Objective 1.6 of the Mobility Element: Identify right-of-way needed for planned future transportation improvements and protect it from building encroachment as development occurs to preserve the corridor for transportation use, to maintain transportation level of service for concurrency, to improve coordination between land use and transportation, and to minimize the adverse social, economic, and environmental impacts of transportation facilities on the community.
2. The proposed amendment will meet requirements of Mobility Element Policy 1.6.5: The Future Right-of-Way Needs Map shall be reviewed, and updated if necessary, every five years concurrent with the Long Range Transportation Plan update, or more frequently as necessary to address the growth and mobility needs of the local government.

3. The proposed amendment will be consistent with the existing City of Tallahassee "*Transportation Right-of-Way Preservation Ordinance*." This ordinance applies to land within or abutting future transportation corridors designated on/in the Future Right-of-Way Needs Map, the 2035 Long Range Transportation Plan and/or the Tallahassee-Leon County Comprehensive Plan.

4. The proposed amendment will protect future planned transportation corridors from encroachment by structures, parking areas, or drainage facilities, which has the potential to significantly reduce future acquisition costs.

5. The proposed amendment will assist the City and County in meeting and maintaining established level of service standards, accommodating planned future growth, and will help assure the continued development of a safe, efficient and sustainable transportation system for the citizens of Tallahassee and Leon County.

C. EXISTING TEXT/POLICIES:

Please see Future Right-of-Way Needs Map (Attachment #1)

D. PROPOSED TEXT/POLICIES:

Please see Proposed Revisions to the Future Right-of-Way Needs Map (Attachment #2)

E. APPLICANT'S REASON FOR THE AMENDMENT:

The proposed addition of the Paul Russell Road Extension to the Future Right-of-Way Needs Map is staff-initiated and was prompted by the need to coordinate with the initial development of the English property, which is bisected by this planned roadway.

F. STAFF ANALYSIS

At this time, the only change requested is the addition of the Paul Russell Road extension to the adopted map. The Paul Russell Road extension was included on the Future Right-of-Way Needs Map prior to the 2011-01 Comprehensive Plan amendment cycle. The proposed Paul Russell Road extension bisects the English property, and this roadway was removed until such time as the English property was ready for development. In the interim, owners of the English property have moved forward with developing the property and as such, Planning Department staff requests the Paul Russell Road extension be added back to the Future Right-of-Way Needs Map.

G. FINANCIAL IMPACT

The proposed amendment identifies the right-of-way needs for the future Paul Russell Road corridor. This proposed amendment allows the City and County to require modifications to future development plans along these corridors to ensure buildings and accessory uses are not placed within the corridor. This has the potential to significantly reduce future acquisition costs and provide clarity to the property owner regarding the desired corridor location..

H. CONCLUSIONS:

Based on the above data and analysis, Planning Department staff recommends approval of the amendment request for the following reasons:

1. The proposed amendment will meet the requirements specified by Objective 1.6 of the Mobility Element: Identify right-of-way needed for planned future transportation improvements and protect it from building encroachment as development occurs to preserve the corridor for transportation use, to maintain transportation level of service for concurrency, to improve coordination between land use and transportation, and to minimize the adverse social, economic, and environmental impacts of transportation facilities on the community.
2. The proposed amendment will meet requirements of Mobility Element Policy 1.6.5: The Future Right-of-Way Needs Map shall be reviewed, and updated if necessary, every five years concurrent with the Long Range Transportation Plan update, or more frequently as necessary to address the growth and mobility needs of the local government.
3. The proposed amendment will be consistent with the existing City of Tallahassee "*Transportation Right-of-Way Preservation Ordinance*." This ordinance applies to land within or abutting future transportation corridors designated on/in the Future Right-of-Way Needs Map, the 2035 Long Range Transportation Plan and/or the Tallahassee-Leon County Comprehensive Plan.
4. The proposed amendment will protect future planned transportation corridors from encroachment by structures, parking areas, or drainage facilities, which has the potential to significantly reduce future acquisition costs.
5. The proposed amendment will assist the City and County in meeting and maintaining established level of service standards, accommodating planned future growth, and will help assure the continued development of a safe, efficient and sustainable transportation system for the citizens of Tallahassee and Leon County.

H. ATTACHMENTS:

Attachment #1: 2011 Future Right of Way Needs Map

Attachment #2: Proposed 2013 Future Right of Way Needs Map

Effective with 11-01 Comprehensive Plan Cycle

FUTURE RIGHT-OF WAY NEEDS MAP

Project Type

Roadway Project

Transportation Systems Management

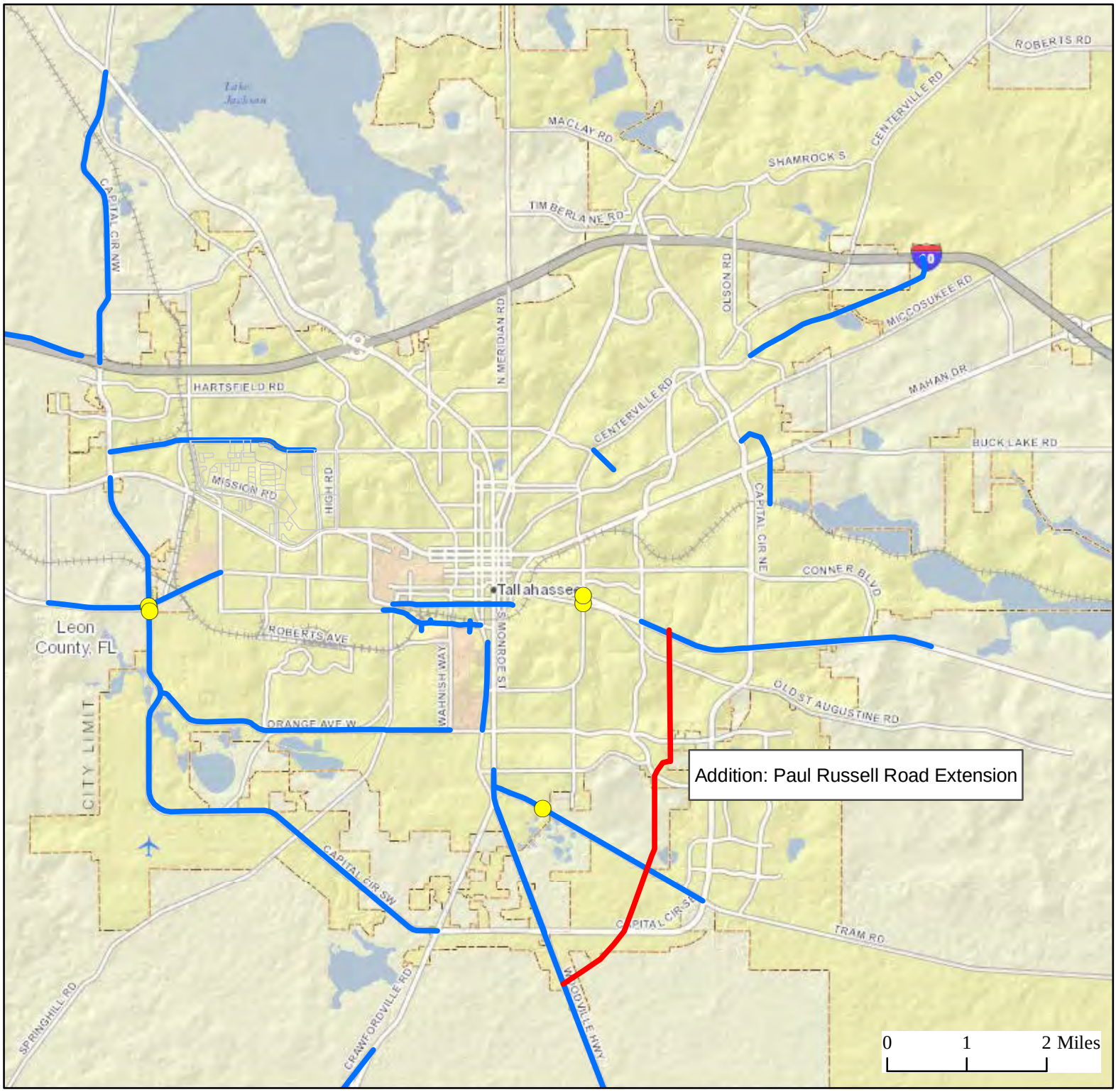
0 2.5 5 Miles

N

Tallahassee-Leon County
Planning Department
13 April 2011

Coordinate System: NAD_1983_HARN_StatePlane_Florida_North_FIPS_0903_Feet

Effective with the 13-01 Comprehensive Plan Cycle
FUTURE RIGHT-OF WAY NEEDS MAP



Project Type

Paul Russell Road Extension

Roadway Projects

Transportation Systems Management

N

Tallahassee-Leon County
Planning Department
19 December 2012

ATTACHMENT #21

Staff Report PCT130113

TEXT AMENDMENT #: PCT130113

APPLICANT: City of Tallahassee

TEXT/POLICY I.D. #:
Policy 13.1.4 [L]

CITY _X_ COUNTY _X_

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment Request PCT130113 with an effective date tied to approval of the Thornton Road Land Exchange by the State of Florida.

A. SUMMARY:

The proposed text amendment to the Welaunee Critical Area Plan changes the allowed roadway access from Arendell Way to Thornton Road, implementing City Commission direction provided on October 24, 2012 and County Commission direction provided on November 13, 2012. For the past several years, there has been a community discussion regarding the most appropriate location and process for a roadway crossing of the Miccosukee Canopy Road Greenway to provide access from Highway 90 (Mahan) and Miccosukee Road to the City owned portion of the Welaunee Toe.

A Memorandum of Agreement approved by the City on October 24, 2012 and the County on November 13, 2012, establishes a roadway crossing aligned with Thornton Road as the selected option. Staff will move forward with the State of Florida application process to seek a land exchange that will allow for the extension of Thornton Road. The proposed amendment will make the Comprehensive Plan consistent with this direction.

B. REASON FOR RECOMMENDATION FOR APPROVAL:

1. The requested amendment updates the Comprehensive Plan to reflect an important community decision regarding roadway location that was achieved through an open public process.

C. EXISTING TEXT/POLICIES: See Attachment #1

D. PROPOSED TEXT/POLICIES: Attachment #1 includes all proposed amendments in legislative format and provides staff notes describing each change.

E. APPLICANT'S REASON FOR THE AMENDMENT:

The proposed text amendment to the Critical Area Plan for the Welaunee Toe changes the road access from Arendell Way to Thornton Road and implements City Commission direction provided on October 24, 2012.

F. STAFF ANALYSIS

History

1. In December of 2005, the City Commission approved the purchase of approximately 428 acres of Welaunee Plantation property to facilitate the routing of the Eastern Transmission Line. Under the purchase agreement and consistent with the Comprehensive Plan Critical Area Plan, the City had certain obligations, including the development of a Stormwater Facilities Master Plan (SFMP). The SFMP was approved by the City Commission in May of 2011. As a result of the work required to support the SFMP, the decision was made to also seek approval of a Planned Unit Development (PUD) for this property.

2. During the City's work on developing the PUD application, there were significant discussions with respect to access to the City's property from Miccosukee Road. Under the terms of the purchase agreement, the City has rights to cross the Miccosukee Greenway at Edenfield Road and Arendell Way. One option that was identified to enhance the access to the property and address certain concerns identified was to relocate the Arendell Way connection to Thornton Road ("Thornton Road Extension"). This option provided the following benefits.

a) Addresses the concerns of the Arendell Hills Neighborhood Association with respect to traffic loading in their subdivision if the Arendell Way connection were developed.
b) Addresses an inconsistency in the long range mobility plan that calls for the extension of Thornton Road from Mahan to Centerville, not Arendell Way.
c) Results in fewer impacts to the canopy along Miccosukee Road. This is the result of less tree removal in the canopy road zone at the Thornton Road extension location versus the original access easement location at Arendell Way.
d) Provides for enhanced regional mobility that will be supportive of a potential new I-10 interchange on the City's property to connect with the new Welaunee Boulevard.

3. The relocation of the Arendell Way access point requires the approval of the State of Florida Board of Trustees for the Internal Improvement Trust Fund (TIITF) since the relocation impacts state lands (the Miccosukee Canopy Road Greenway).

4. At the time the Thornton Road extension was proposed, several stakeholder groups indicated some concerns with the proposal. These stakeholder groups included the Miccosukee Canopy Road Greenway Citizens Committee (MCRG), the Southern Trailriders Association (STR) and the North

Florida Paso Fino Horse Association (Paso Fino). City staff worked to resolve the concerns raised by these stakeholders but was initially unable to do so.

5. On October 26, 2011, the City Commission directed staff to defer the filing of the PUD application to allow City Commissioner Mustian and County Commissioner Desloge to seek a consensus on a modification to the access to the property.

6. There have been numerous meetings between the stakeholders and the Commissioners and with staff. Based on these discussions, staff, in conjunction with the stakeholders, developed a memorandum of agreement (MOA) between the City and County that was approved by the City on October 24, 2012 and by the County on November 13, 2012. The major provisions of the MOU are:

a) The parties agree, pending final approval of the TIITF, to relocate the Arendell Way access point to Thornton Road.
b) To facilitate the Thornton Road extension, the City will propose a land exchange with the TIITF resulting in 8.3 acres of Greenway property being deeded to the City and 19.77 acres of the City's Welaunee property being deeded to the TIITF. This is consistent with the TIITF 2:1 ratio requirements.
c) The City has agreed that the Thornton Road extension will be a two-lane road located within an 80 foot right-of-way. At the time the Thornton Road extension is developed, the MOA requires visual and landscape barriers to be included in the road construction, on Greenway property, with the intent to eliminate the ability to see traffic on the Thornton Road extension from the Greenway hayfield.
d) Upon all final approvals, the City will relinquish any rights to access their property at the Arendell Way easement. The City has agreed to not seek any additional access easements across the Greenway. The City retains the rights to the Edenfield access point.
e) The MOU may be amended if requested by the TIITF during their review and approval process. Any further amendments will require mutual agreement of the City and County, as well as approval by a simple majority of the stakeholders (see item 4 above) who are registered with the State and active at the time of the amendment.
f) Subject to appropriations by the City Commission, the City will pursue the I-10 interchange at Welaunee Boulevard.
g) The City will provide support to the STR in their pursuit of a multi-use land bridge across I-10 from the City’s property in the vicinity of the proposed I-10 interchange. This support includes: (i) filing of the application, provided the City incurs no costs associated with the application and the City Commission at the time approves the action; and (ii) identification of potential trails through the City’s property to allow access to the land bridge.

Analysis of Proposed Text

As mentioned in the History section above, relocating the vehicular access from Arendell Way to Thornton Road was identified to have the following benefits:

a) Addresses the concerns of the Arendell Hills Neighborhood Association with respect to traffic loading in their subdivision if the Arendell Way connection were developed.
b) Addresses an inconsistency in the long range mobility plan that calls for the extension of Thornton Road from Mahan to Centerville, not Arendell Way.

c) Results in fewer impacts to the canopy along Miccosukee Road. This is the result of less tree removal in the canopy road zone at the Thornton Road extension location versus the original access easement location at Arendell Way.
d) Provides for enhanced regional mobility that will be supportive of a potential new I-10 interchange on the City's property to connect with the new Welaunee Boulevard.

The proposed amendment also removes language related to the process for determining if access via Dempsey Mayo may be approved. According to the Canopy Planned Unit Development approved on April 1, 2011, the City Commission approved access via Dempsey Mayo on December 14, 2005, based on an analysis by Moore Bass Consulting dated November 9, 2005. This change will add clarity to the Plan by recognizing a decision that has been made.

G. CONCLUSIONS:

Based on the above analysis, the Planning Department recommends approval of the amendment request for the following reason:

1. The requested amendment updates the Comprehensive Plan to reflect an important community decision regarding roadway location that was achieved through an open public process.

H. ATTCHMENTS:

Attachment #1: Amendment in Strikethrough/Underline Format with Staff Notes

WELAUNEE CRITICAL AREA PLAN

Land Use Goal 13 *(Effective 12/10/02)*

Guide planned development within the Welaunee Critical Planning Area through implementation of a critical area plan which includes a mixture of integrated land uses that are predominantly self-supporting rather than dependent upon public funding, places a greater emphasis on pedestrian mobility and transportation alternatives, provides new employment opportunities near major transportation arteries and protects natural systems in an urbanized setting.

…

Policy 13.1.4: Transportation *(Effective 12/10/02; Revision Effective 7/20/05)*

…

(2) The following transportation guidelines shall apply in the Toe as established in PUD Concept Plans and shown in Figure 13-3:

…

(B) Road access to the Toe from Miccosukee Road shall occur only within ~~the existing~~approved road access ~~easements~~ corridors across the Miccosukee Canopy Road Greenway at ~~Arendell Way~~Thornton Road, ~~and~~ Edenfield Road,~~. In addition, road access to the Toe from Miccosukee Road at~~ and Dempsey Mayo.~~ within the existing road access easement may be approved in a PUD Concept Plan if it is determined by the local government with jurisdiction, based on analysis, that such a connection would have a desirable impact on the Miccosukee Canopy Road.~~ All impacts to the canopy road protection zone from such access roads shall be minimized.

Staff Note: The primary intent of the above change is to remove the road access at Arendell Way and establish the future access at Thornton Road. Details of the other smaller changes are provided below.

1. "Existing" is changed to "approved" to recognize that the Thornton Road access is not one of the access easements that existed when the policy was originally written.

2. "Easements" is changed to "corridors" to recognize that the proposed Thornton Road access will be via a corridor of land owned fee simple by the City, not via an easement across the Miccosukee Canopy Road Greenway.

3. The amendment also removes language related to the process for determining if access via Dempsey Mayo may be approved. The City Commission approved access via Dempsey Mayo on December 14, 2005, based on an analysis by Moore Bass Consulting dated November 9, 2005. This change will add clarity to the Plan by recognizing a decision that has been made.