

AGENDA MATERIALS

CYCLE 2012-1 COMPREHENSIVE PLAN AMENDMENTS ADOPTION HEARING AND IMPLEMENTING ORDINANCES AND REZONINGS

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

Tuesday, June 26, 2012, 6PM
County Commission Chambers
5th Floor, Leon County Courthouse

MEMORANDUM

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

FROM: Brian Wiebler, Senior Planner

DATE: June 18, 2012

SUBJECT: Materials for June 26, 2012 Adoption Hearing

The joint hearing of the Tallahassee City Commission and the Leon County Board of County Commissioners has been advertised for **Tuesday, June 26, at 6:00 PM in the County Commission Chambers**. The purpose of this hearing is to consider for adoption of small scale amendments and the large scale amendments that were previously transmitted to the State Land Planning Agency. On May 31, 2012 the State Land Planning Agency issued a letter indicating they have no comments on the proposed amendments.

The meeting agenda and other related materials are attached. For background information as to the history of these amendments, please refer to your Cycle 2012-1 amendment notebook.

Attached for your consideration are:

- Attachment #1: Public Hearing Agenda
- Attachment #2: Amendments as Recommended for Adoption
(summary chart and amendments in strikethrough/underline)
- Attachment #3: County Adoption Ordinance
- Attachment #4: City Adoption Ordinance
- Attachment #5: County Rezoning Agenda Item (1)
- Attachment #6: City Rezoning Agenda Items (3)
- Attachment #7: Citizen Comments
- Attachment #8: Updated Staff Reports
 - PCM120102 - Fred George Road and Old Bainbridge Road - *Reserve at Stony Creek, LLC*
 - PCM120103 - 9th Avenue and Thomasville Road – *Marshall R. Cassedy Jr.*
 - PCM120104 - Interstate-10 and Mahan Drive - *Devoe Moore*
 - PCT120105 - Urban Service Area based Development of Regional Impact Exemption Area at I-10 and Mahan Drive – *Devoe Moore*

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

cc: Anita Favors-Thompson
Jay Townsend
Jim English
Linda Hudson
Matt Lutz
Nickcole Caldwell

Vince Long
Allen Rosenzweig
Herb Thiele
Laura Youmans
Christine Coble
Rebecca Vause

ATTACHMENT #1

Public Hearing Agenda

June 26, 2012

ADOPTION PUBLIC HEARING AGENDA
Comprehensive Plan Amendment Cycle 2012-1
June 26, 2012 6 PM
County Commission Chambers
Leon County Courthouse

1. **Call to Order**
2. **Introductory Comments by Staff**
3. **Adoption Hearing** (Attachment #2: Amendments as Recommended for Adoption)
 - a. **Consent Items** (Staff recommends adoption as previously voted on)

PCM120101 - Pensacola Street and Mabry Street - *Goodwill Industries-Big Bend Inc.*
PCM120104 - Interstate-10 and Mahan Drive - *Devoe Moore*
PCT120105 - Urban Service Area based Development of Regional Impact Exemption Area at I-10 and Mahan Drive – *Devoe Moore*
PCT120106 - Park Place Regional Activity Center - *Planning Department*
PCT120107 - WITHDRAWN
PCT120108 - Economic Element - *EDC of Tallahassee-Leon County Inc.*
PCT120109 - County Housing Element - *Leon County Department of Housing Services*
PCT120110 - Mobility Element Level of Service – *Tallahassee City Commission*
 - b. **Discussion Items**

PCM120102 - Fred George Road and Old Bainbridge Road - *Reserve at Stony Creek, LLC*
PCM120103 - 9th Avenue and Thomasville Road – *Marshall R. Cassidy Jr.*
4. **County Adoption of Cycle 2012-1 Plan Amendment Ordinance** (Attachment #3)
5. **City Adoption of Cycle 2012-1 Plan Amendment Ordinance** (Attachment #4)
6. **County Rezoning Public Hearing** (Attachment #5)
 - a. **First and Only Public Hearing** on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning Classification on 172.38 acres from the IC “interchange commercial,” C-2 “general commercial,” RP “residential preservation,” and RA “residential acre” all to AC “high intensity urban activity center.” The proposed rezoning Ordinance implements Comprehensive Plan map Amendment PCM120104 at Interstate-10 and Mahan Drive (Devoe Moore).
7. **City Rezoning Public Hearings** (Attachment #6)
 - a. **First and Only Public Hearing on Ordinance No. 12-Z-24:** Proposed Amendment to the Official Zoning Map from the M1 “light industrial” district to CP “commercial parkway” district on 6.439 acres. The proposed rezoning Ordinance implements

Comprehensive Plan map Amendment PCM120101 at Pensacola Street and Mabry Street (Goodwill Industries-Big Bend Inc.).

- b. **First and Only Public Hearing on Ordinance No. 12-Z-07:** Proposed Amendment to the Official Zoning Map from the M-1 “light industrial” district to the CP “commercial parkway” district on 0.995 acres. The proposed rezoning Ordinance is associated with Comprehensive Plan map Amendment PCM120101 at Pensacola Street and Mabry Street (Goodwill Industries-Big Bend Inc.).
- c. **Continue the First and Only Public Hearing on Ordinance No. 12-Z-25 to November 28, 2012 at 6:00 PM in City Hall:** Proposed Amendment to the Official Zoning Map from the RP-2 “residential preservation-2” district to the R4 “urban residential” district on 15.7 acres. The proposed rezoning Ordinance implements Comprehensive Plan map Amendment PCM110102 that is recommended for continuance to October 24, 2012 in City Hall.

8. Adjournment

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

AMENDMENTS AS RECOMMENDED FOR ADOPTION (Summary Chart and Amendments in ~~strikethrough~~/underline)

<i>Item #</i>	<i>Amendment To:</i>	<i>Nature of Proposed Amendment</i>	<i>Planning Staff Recommendation</i>	<i>LPA Recommendation</i>	<i>Board of County Commissioners Position</i>	<i>City Commission Position</i>
PCM120101	FUTURE LAND USE MAP Pensacola Street and Mabry Street	From: Government Operational To: Suburban 6.5-acres	A	A	A	A
PCM120102	FUTURE LAND USE MAP Fred George Road and Old Bainbridge Road	From: Residential Preservation To: Urban Residential 15.7-acres Note: Area reduced from 20.3 acres	A With Development Agreement	D	A With Development Agreement	A With Development Agreement
PCM120103	FUTURE LAND USE MAP 9th Avenue and Thomasville Road	From: Residential Preservation To: Neighborhood Boundary 0.63-acre	A	D	Defer	Defer
PCM120104	FUTURE LAND USE MAP Interstate-10 and Mahan Drive	From: Suburban and Mahan Gateway Node To: High Intensity Urban Activity Center 172-acres Note: Area reduced from 175 acres	AM	A With Development Agreement	AM	AM
PCT120105	TEXT AMENDMENT DRI Exemption Area at I-10 and Mahan Drive	Request for Development of Regional Impact (DRI) exemption area at I-10 and Mahan Drive	A	A	AM	AM
PCT120106	TEXT AMENDMENT Park Place Regional Activity Center	Follow-up amendment for a County ordinance designating the area as a statutory Regional Activity Center	A	A	A	A
PCT120107	TEXT AMENDMENT Conservation Subdivisions in Rural	WITHDRAWN BY APPLICANT	D	D	N/A	N/A
PCT120108	TEXT AMENDMENT Economic Element	Updated Economic Development Element submitted by Economic Development Council of Tallahassee-Leon County Inc.	A	A	A	A
PCT120109	TEXT AMENDMENT County Housing Element	Implementation of recommendations from the County's Affordable Housing Advisory Committee	A	A	A	A
PCT120110	TEXT AMENDMENT Mobility Element Level of Service	Request to amend the Mobility Element to address the level of service for some streets that are being rebuilt to support multimodal access	AM	AM	AM	AM

Map Amendment PCM120101

6.5 Acres

From: Government Operations

To: Suburban

Staff Recommendation:

Approval

Local Planning Agency:

Approval

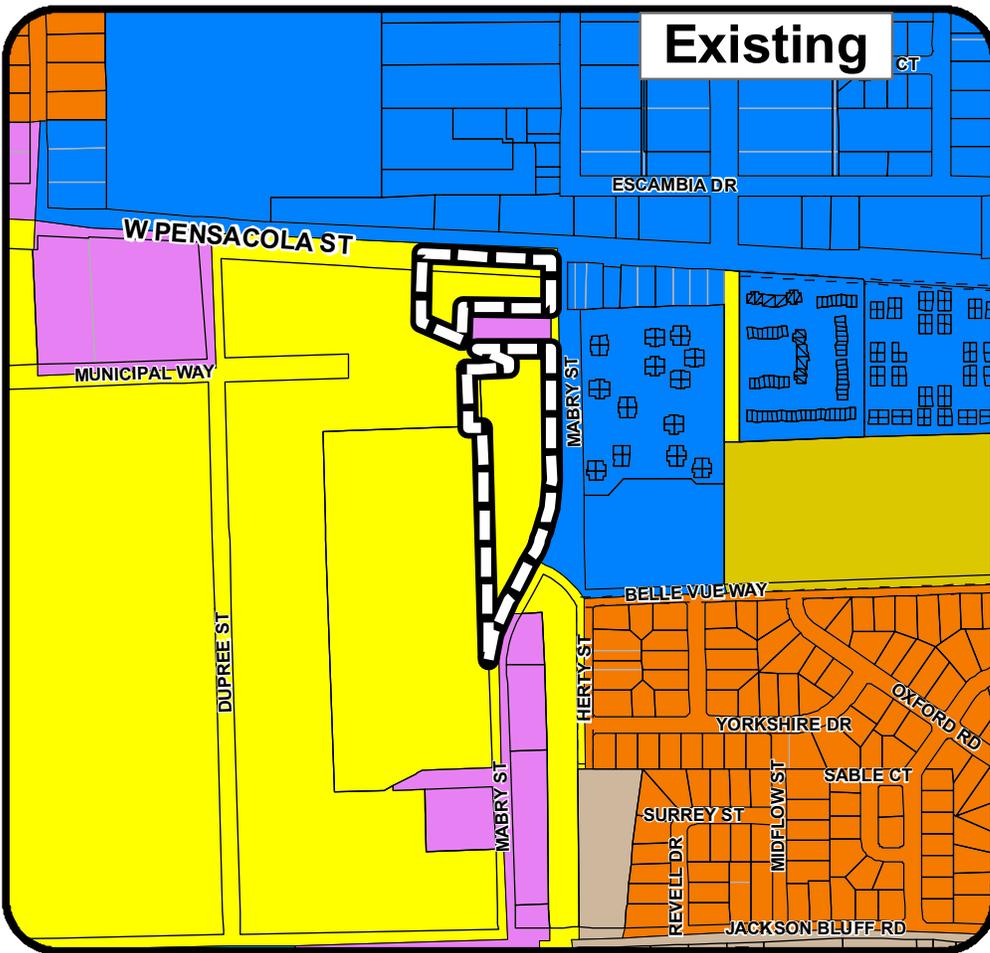
City Commission:

Approval

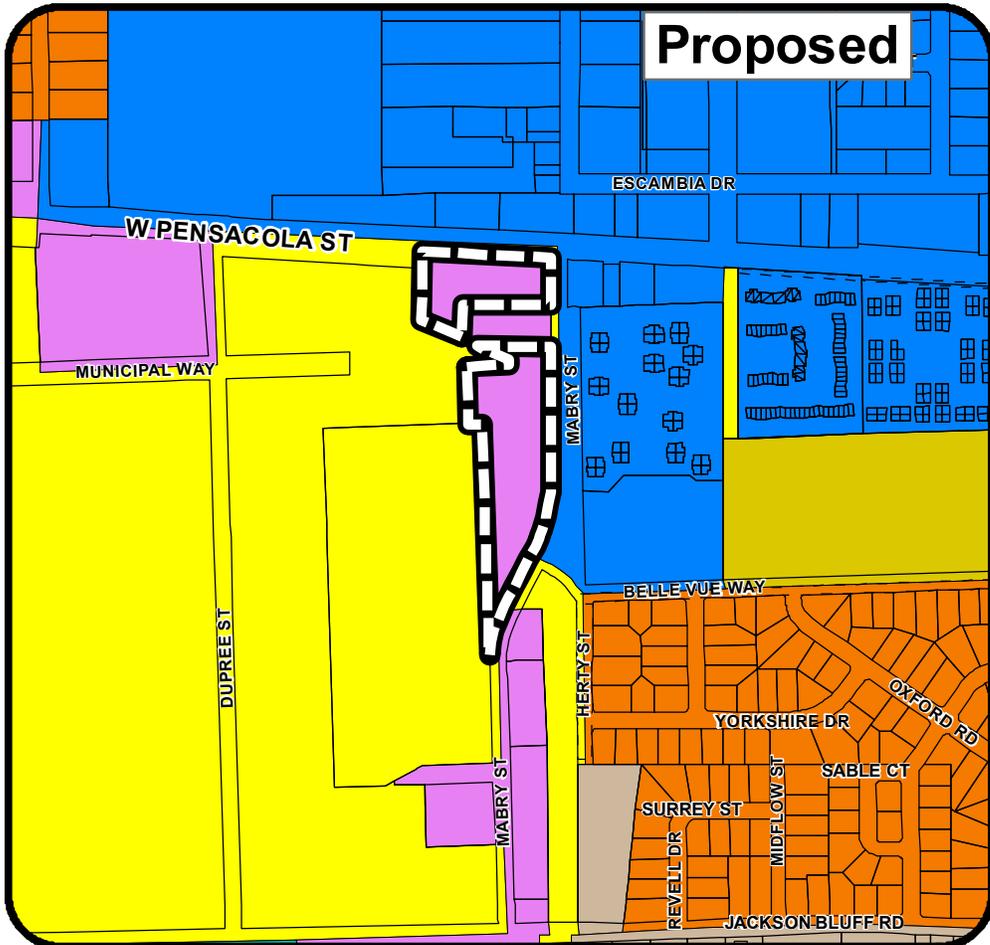
Board of County Commissioners:

Approval

Existing



Proposed



Future Land Use

Legend

-  Educational Facilities
-  Governmental Operation
-  Open Space
-  Residential Preservation
-  Suburban
-  Urban Residential 2
-  University Transition



Subject Parcel

AMENDMENT PCM120101 LOCATION

Existing

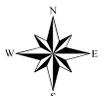
Government Operation

Proposed

Suburban

SITE TAX ID:
21-33-20-801-0000
21-33-20-403-0000

ACRES: 6.5 ±



Map Amendment PCM120102

15.7 Acres (*Reduced from 20.3 acres*)

From: Residential Preservation

To: Urban Residential

Staff Recommendation:

Continue the Joint Adoption Public Hearing for Amendment PCM120102 to October 24, 2012 in City Hall. Staff continues to recommend approval subject to a development agreement that would address noise, light, visual buffering and access issues to minimize impacts to the adjacent residential neighborhood. The recommendation to continue the adoption hearing is intended to provide the time needed to complete the development agreement and necessary public hearings. If the development agreement cannot be finalized prior to the adoption hearing, then recommendation would be for denial.

Local Planning Agency:

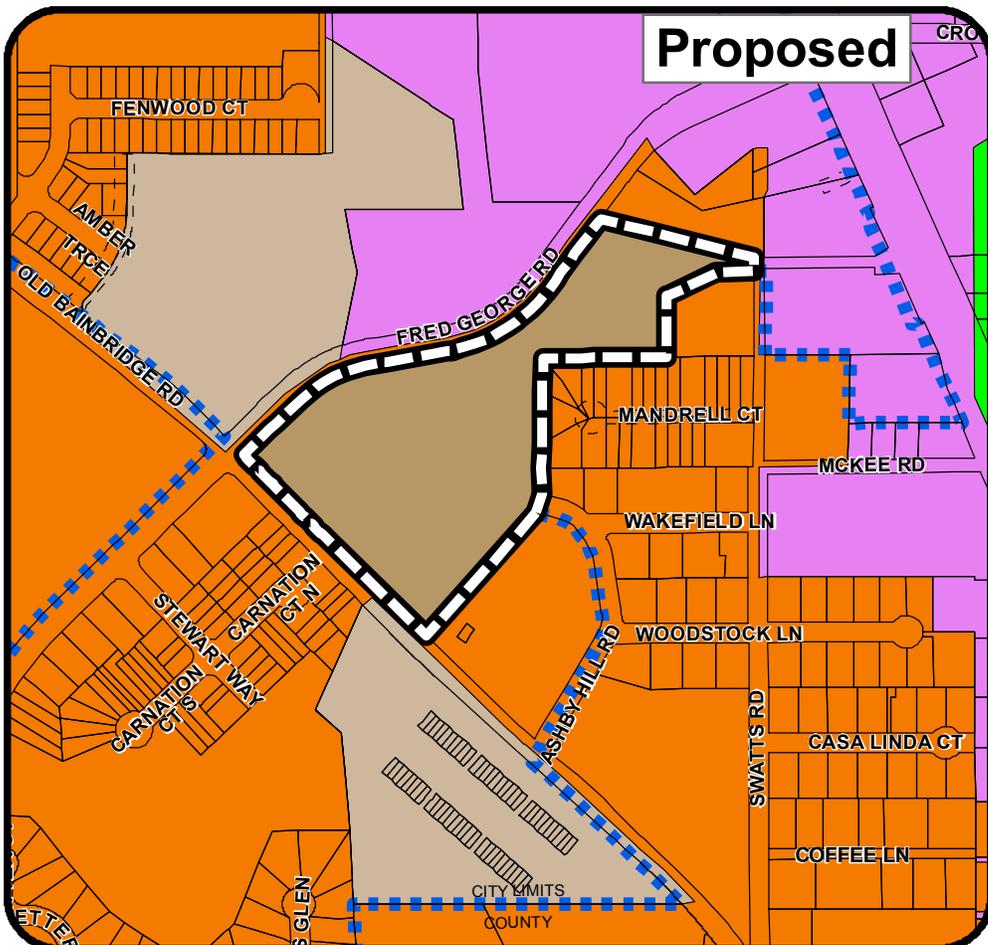
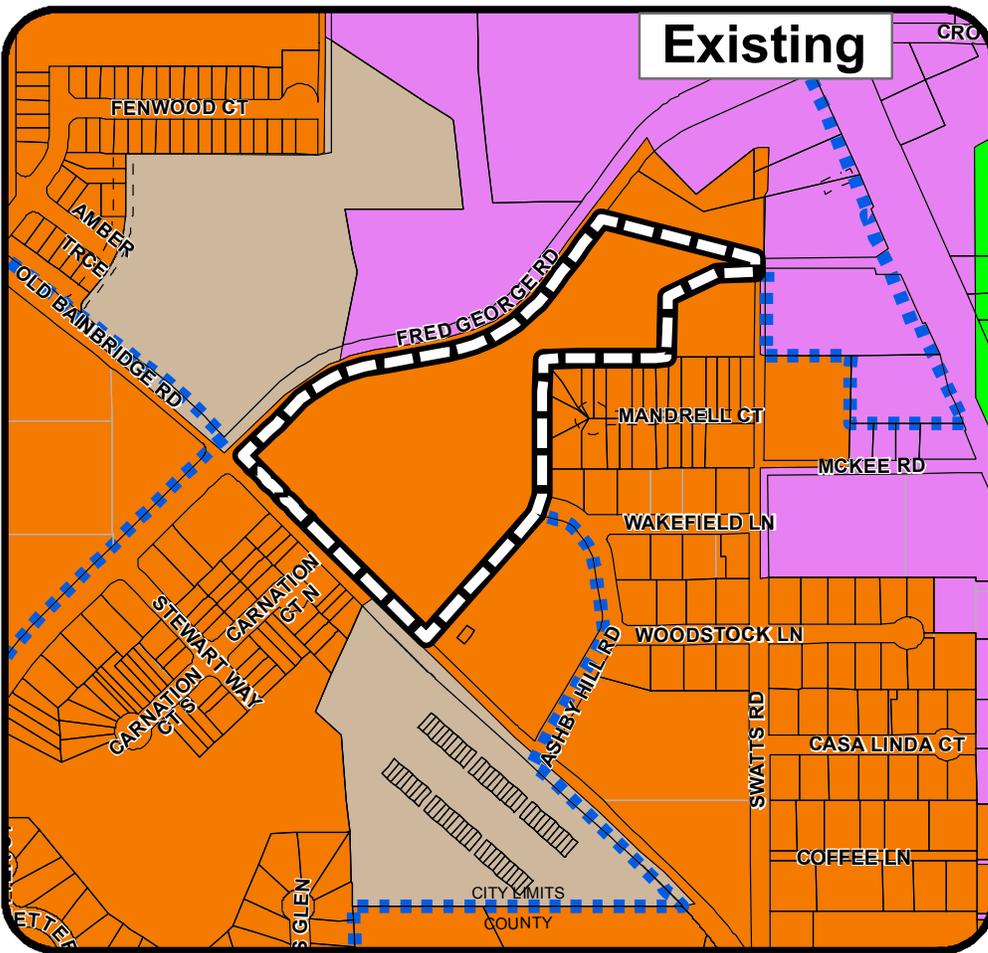
Denial

City Commission:

Approval with a Development Agreement

Board of County Commissioners:

Approval with a Development Agreement



Future Land Use

Legend

-  Lake Protection
-  Residential Preservation
-  Suburban
-  Urban Residential
-  Urban Residential 2



Subject Parcel

AMENDMENT PCM120102 LOCATION

Existing
Residential Preservation

Proposed
Urban Residential

SITE TAX ID:
21-09-20-001-0000

ACRES: 15.7 ±



Map Amendment PCM120103

0.63 Acres

From: Residential Preservation

To: Neighborhood Boundary

Staff Recommendation:

Approval

Local Planning Agency:

Denial

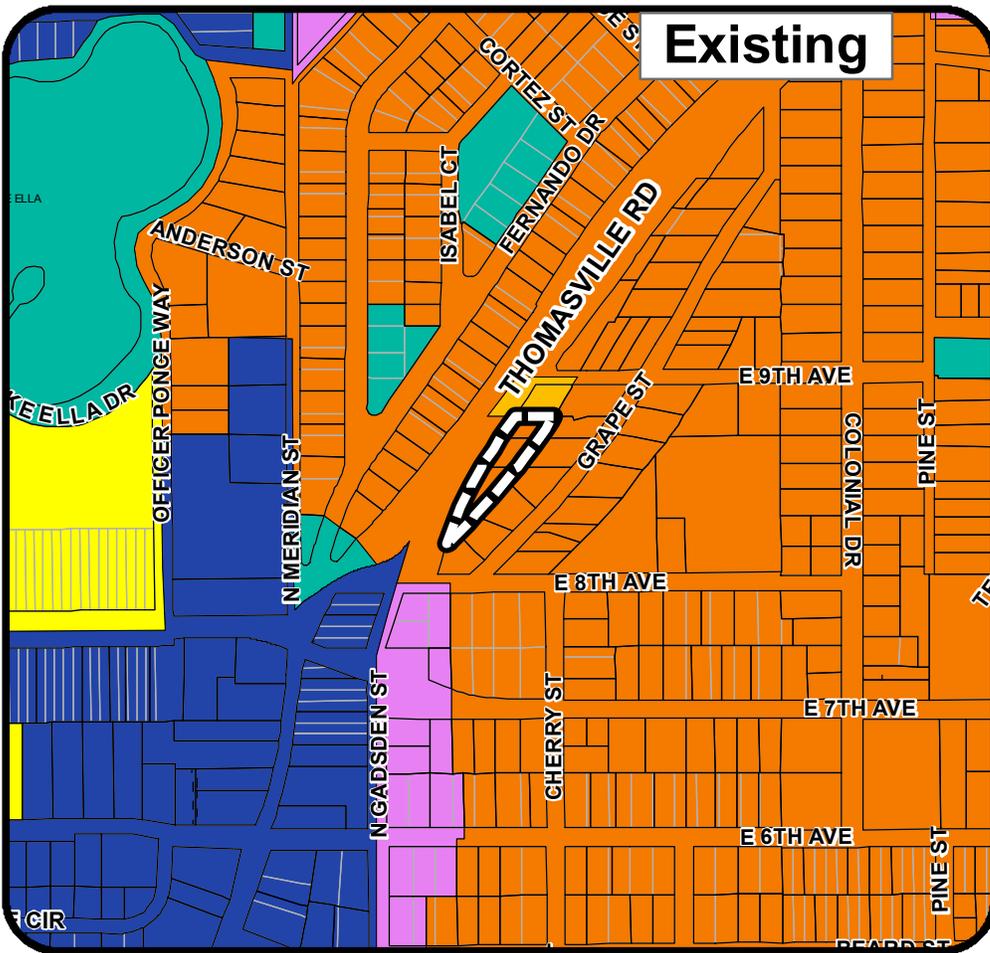
City Commission:

Defer

Board of County Commissioners:

Defer

Existing



Future Land Use

Legend

-  Central Urban
-  Government Operational
-  Neighborhood boundary
-  Open Space
-  Residential Preservation
-  Suburban



Subject Parcel

AMENDMENT PCM120103 LOCATION

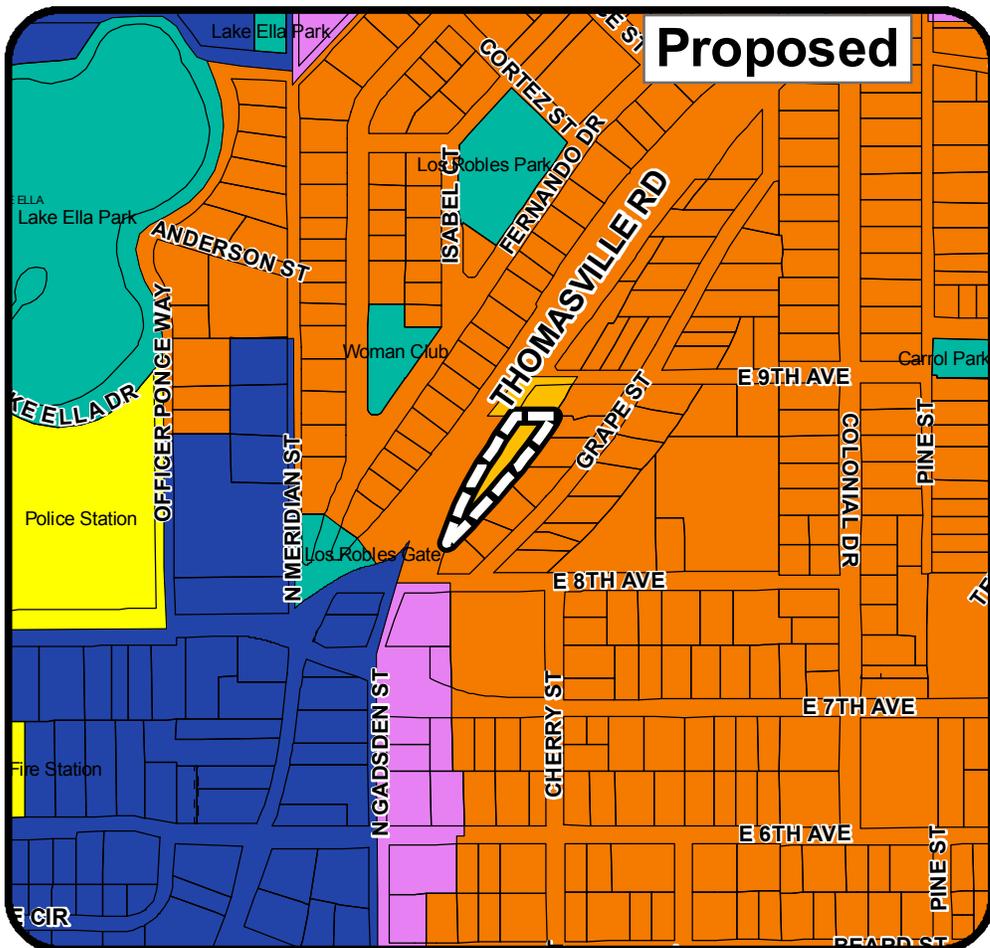
Existing
Residential Preservation

Proposed
Neighborhood Boundary

SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
11-30-57-000-0140

ACRES: 1.2±

Proposed



Map Amendment PCT120104

172 Acres (*Reduced from 175 acres*)

From: Suburban (109.88 Acres)

Mahan Gateway Node (62 Acres)

To: High Intensity Urban Activity Center

Staff Recommendation:

Approval as Modified

Local Planning Agency:

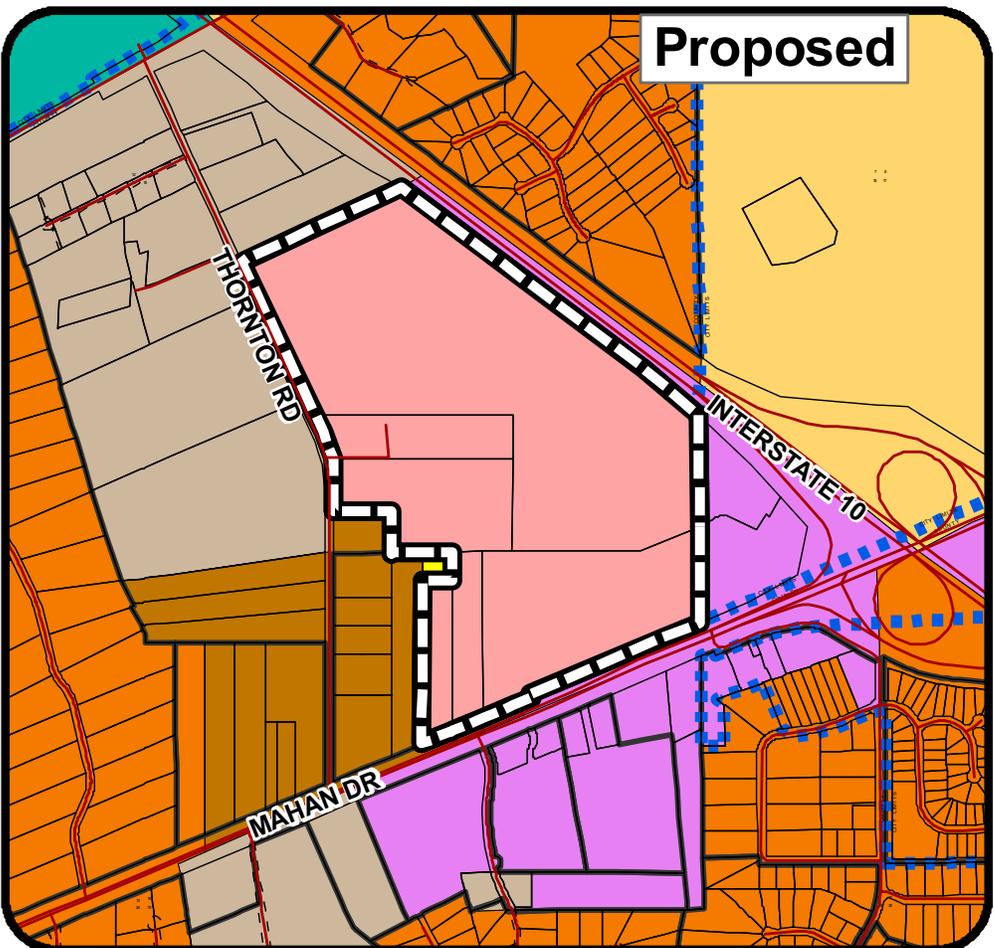
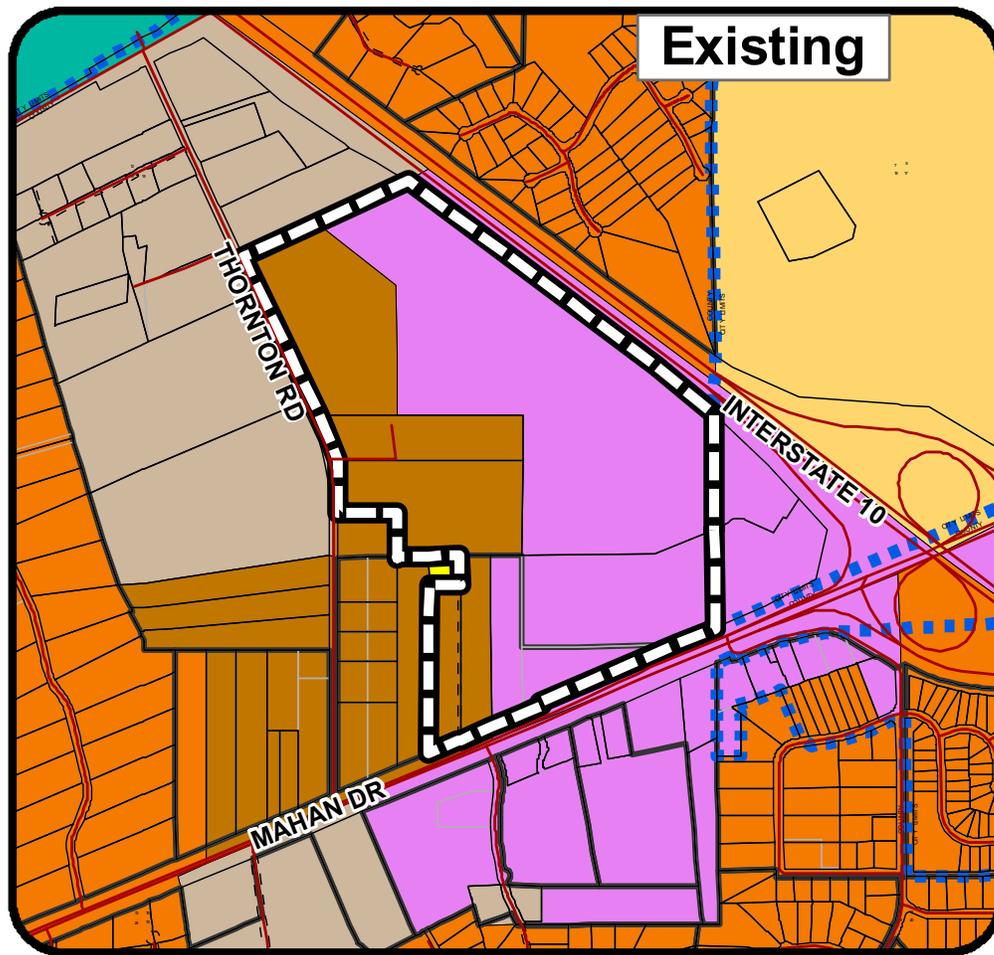
Approval with a Development Agreement

City Commission:

Approval as Modified

Board of County Commissioners:

Approval as Modified



Future Land Use

Legend

- Activity Center
- Governmental Operation
- Open Space
- Residential Preservation
- Urban Fringe
- Mahan Gateway Node
- Planned Development
- Suburban
- Urban Residential 2
- Subject Parcel

AMENDMENT PCM120104 LOCATION

Existing
Suburban,
Mahan Gateway Node

Proposed
Activity Center

SITE TAX ID:
 12-18-05-000-0100
 12-18-05-000-0110
 12-18-20-001-0000
 12-18-20-007-0000
 12-18-20-202-0000
 12-18-20-212-0000

ACRES: 172 ±



Text Amendment PCT120105

Urban Service Area based Development of Regional Impact Exemption Area at I-10 and Mahan Drive

This is a request to provide a new policy in the Land Use Element designating parcels inside the Urban Service Area on the western corner of the intersection of Interstate 10 and Mahan Drive as a Development of Regional Impact (DRI) exemption area. This request utilizes recent changes to Florida Statutes that allow communities to designate areas inside their Urban Service Area to be exempt from the state and regional review based DRI process, just as lands inside the City of Tallahassee are currently exempted. The proposed exemption area totals approximately 175 acres and is the same area requesting the High Intensity Urban Activity Center designation in amendment PCM120104.

Staff Recommendation:

Approval as Modified

Local Planning Agency:

Approval as Modified

City Commission:

Approval as Modified

Board of County Commissioners:

Approval as Modified

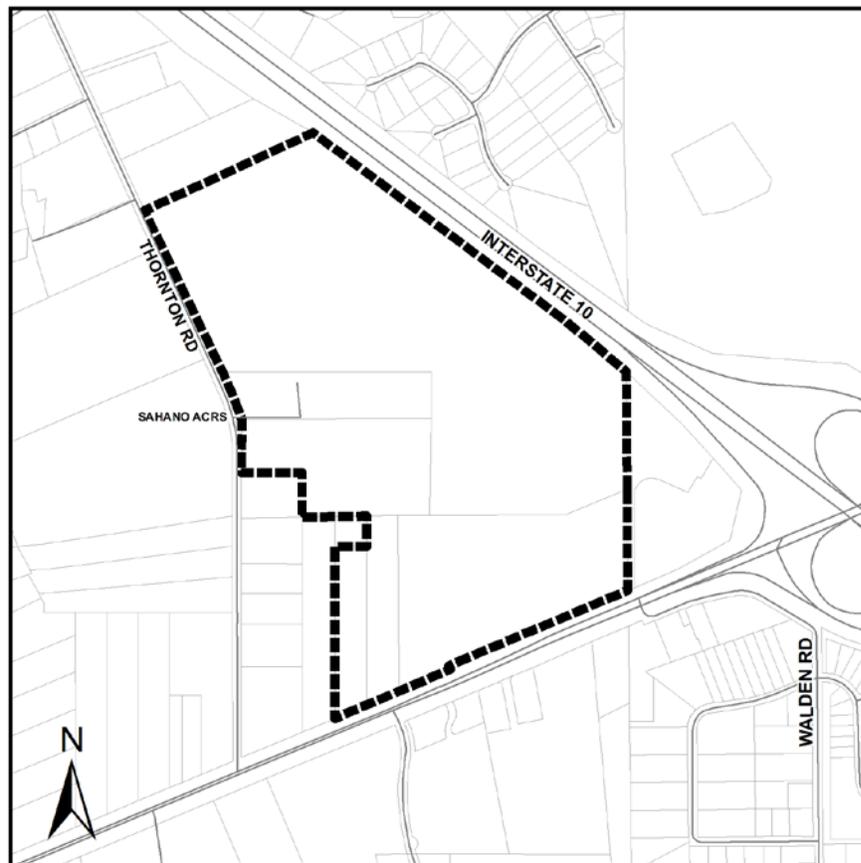
PCT120105: I-10/Mahan Drive Exemption Area

New Policy 1.1.12 [L]:

The parcel shown on the map below at the intersection of I-10 and US Highway 90 is within the designated Urban Service Area (USA), as defined in Section 163.3164(50), Florida Statutes, having public services and facilities, including, but not limited to, central water and sewer capacity and roads. As a parcel within a designated statutory USA, proposed development within the parcel is exempt from the development-of-regional impact process pursuant to Section 380.06(29)(c)3, Florida Statutes. As part of this exemption, any future development on the subject parcels shall, in addition to applicable Comprehensive Plan policies, address the following objectives:

- Provide opportunities for a “main street” component that allows on street parking.
- Provide landscaping, buffering and screening or any of the three options for aesthetic enhancements if building facades are not oriented towards Thornton Road and US 90.
- Incorporate storm water management facilities and natural features as amenities into the project’s overall design concept.
- Incorporate a consistent design theme for freestanding signage throughout the property.
- Coordination of appropriate location for mass transit stops and pedestrian connections to development on the property at the time of development.
- Buildings will incorporate architectural features and patterns that provide visual interest such as building facades that are not uniform in mass or scale and height and pedestrian scale facade treatments such as canopies, overhangs, arcades, gabled entryways, and porticos.

I-10 AND MAHAN US 90 DRI EXEMPTION AREA



Text Amendment PCT120106

Park Place Regional Activity Center

This is a request to amend the Future Land Use element to add a policy recognizing the Park Place Regional Activity Center in the Comprehensive Plan. The policy follows-up on and is consistent with a recently adopted County ordinance designating the area as a statutory Regional Activity Center. Designation as a Regional Activity Center increases the allowed density and intensity thresholds that would ordinarily trigger state and regional review based on the Development of Regional Impact process.

Staff Recommendation:

Approval

Local Planning Agency:

Approval

City Commission:

Approval

Board of County Commissioners:

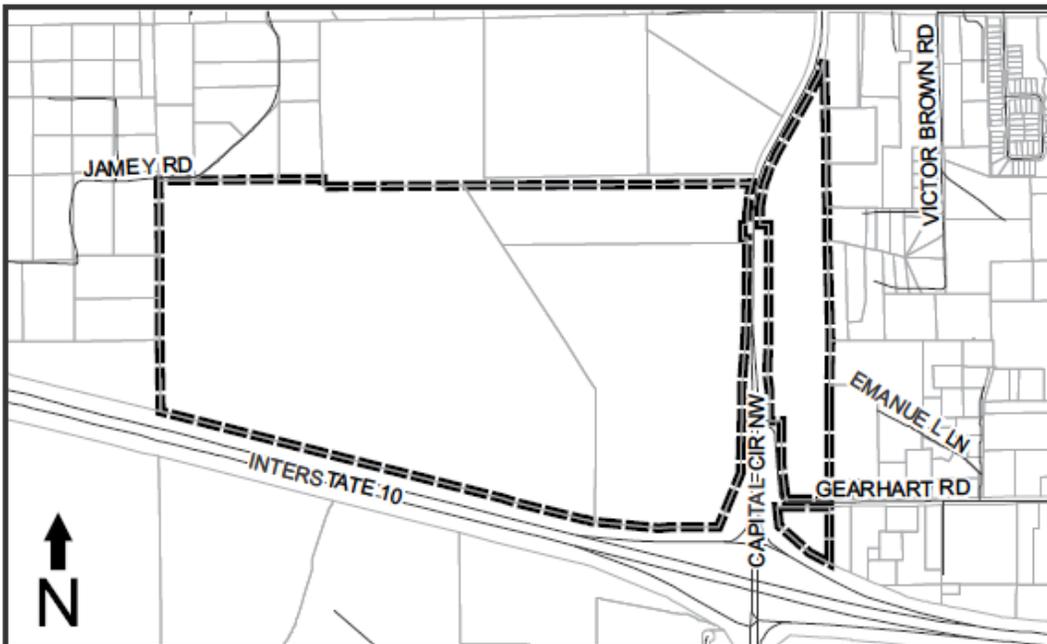
Approval

PCT120106 As Adopted

Policy 9.3.2: [L]: (Effective _____/2012)

It is the intent of the local government to designate Park Place as a Regional Activity Center pursuant to Objective 9.3 [L] to use the increased Development of Regional Impact guidelines and standards consistent with Rule 28-24.014(10)(a), Florida Administrative Code. Park Place meets the parameters for a Regional Activity Center as defined in Section 380.06(2)(e), Florida Statutes, and in Rule 28-24.014(10)(c)2, Florida Administrative Code, and is depicted on the following map. Multi-use land uses for a Regional Activity Center can be accommodated by the currently designated Planned Development future land use category and development shall occur consistent with the guiding land use policies within the local comprehensive plan.

PARK PLACE ACTIVITY CENTER



Text Amendment PCT120107

WITHDRAWN

Text Amendment PCT120108

Economic Development Element

This is a request to replace the existing Economic Development Element with a new, updated version that is intended to support the City and County's partnership with the Economic Development Council and to reflect existing economic development efforts underway by the City, the County, and the Economic Development Council.

Staff Recommendation:

Approval

Local Planning Agency:

Approval

City Commission:

Approval

Board of County Commissioners:

Approval

PCT120108 As Adopted

The existing Economic Development Element is to be removed and replaced with the new text below.

ECONOMIC DEVELOPMENT ELEMENT GOALS, OBJECTIVES, AND POLICIES

Goal 1: [ED]

Through coordination and cooperation between private sector businesses, nonprofit organizations, higher educational institutions, local government, and the State of Florida, the economic development efforts of the City of Tallahassee and Leon County will increase entrepreneurialism; advance local businesses, and grow targeted industry sectors; and attract innovative individuals and companies to the Capital region.

The region's intellectual, cultural, physical, and natural assets will be marketed to established and new companies, investors, and creative individual entrepreneurs. These assets include Tallahassee/Leon County's highly educated, stable workforce; innovative, competitive local industries and research institutions; advanced transportation and communications infrastructure; high quality of life and unique sense of place; and a broad-based commitment to community sustainability and environmental protection. The promotion of these assets will attract and retain new businesses, local company expansions, increase tourism, and will create an increasing number and diversity of employers and educated, skilled employees in the Tallahassee/Leon County region.

Objective 1.1: [ED]

Increase new business formations using existing and new resources, assets, and coordinated strategies.

Policy 1.1.1: [ED]

Maintain an inventory of local, state and federal resources to support new business development and foster entrepreneurialism. This inventory will include capital and other funding sources; marketing, permitting, and tax rebate/tax refund information; procedures, programs, and other tools and techniques for technology transfer, licensing and commercialization; research and development resources and related services; and business incubator support services.

Policy 1.1.2: [ED]

Encourage coordination between private sector businesses, higher educational institutions, local, state, and federal government, and local, regional, and state-level economic development organizations, agencies, and other community economic development partners, consistent with local sustainability and environmental protection efforts.

Objective 1.2: [ED]

Inventory and apply best practices in business development techniques and strategies to grow existing and new local businesses, and to nurture and develop targeted-industry sectors that match the region's strengths, goals and assets, as well as provide for a diversified and sustainable regional economy, sense of place, and natural environment.

Policy 1.2.1: [ED]

Through participation in local, regional, state, and federal economic development organizations, agencies, and other community partners, support employers where appropriate by helping provide economic development marketing, research, and technical and business assistance consistent with identified targeted industrial, tourism, and other related initiatives and strategic economic development priorities.

Objective 1.3: [ED]

Attract innovative companies which provide sustainable, long-term high-wage jobs and investments in land, facilities, people, and equipment.

Policy 1.3.1: [ED]

Through participation in local, regional, state, and federal economic development organizations, agencies, and other community partners, market the Tallahassee – Leon County region's competitive assets and resources to attract targeted new employers. These resources will include site selection; regulatory assistance; tax & workforce training incentives; and financing tools.

Text Amendment PCT120109

County Housing Element

This is a request to revise County Housing Element Policies 1.1.1, 1.2.4 and 1.3.1 to clarify the intent of the policies. The request is intended to implement recommendations from the County's Affordable Housing Advisory Committee (AHAC).

Staff Recommendation:

Approval

Local Planning Agency:

Approval

City Commission:

Approval

Board of County Commissioners:

Approval

PCT120109 As Adopted

Policy 1.1.1 [HC] (Effective 7/1/94) (Rev. Effective 4/10/09)

The ~~Affordable Housing Manager~~ Housing Services Division staff shall develop and present to the Housing Finance Authority and the Board for adoption an annual affordable housing program plan which integrates housing with neighborhood, economic, and social factors. The plan will evaluate the preceding year's progress and establish annual housing unit delivery objectives. The Planning Department shall provide data relating to the supply, demand, and need for affordable housing to be used in developing the plan.

Policy 1.2.4 [HC] (Effective 7/1/94)Contingent on the availability of funding, the County shall enter into public/private partnerships to encourage the private sector to provide reduced cost home repair and improvement loans and first mortgage home financing pursuant to the provisions of the Community Reinvestment Act. In order to make the program feasible, the County will investigate the establishment of a loan guarantee fund, establish a timeline, and annually review implementation of public-private funding partnerships for very low, low and moderate-income homeowner repair and improvements loans and first-time home buyer home purchase loans in order to reduce the risks to the private sector of providing home improvement and home purchase loans to very low, low and moderate income owners.

Policy 1.3.1 [HC] (Effective 7/1/94)

The Leon County Housing Finance Authority (Subsection (c) of Section 2-134 of Division 3 of Article VI of Chapter 2 of the Code of Laws of Leon County, Florida) shall ~~look into~~ designate a date-certain for determining the feasibility of the issuance of revenue bonds for the provision of affordable housing units.

Text Amendment PCT120110

Mobility Element Level of Service

This is a request to amend the Mobility Element to address the level of service for some streets that are being rebuilt to support multimodal access for all citizens by providing better pedestrian and bicycle access by reallocating space currently dedicated to automobiles. This change is consistent with policy direction within the Comprehensive Plan, but until such time that the concurrency system is officially restructured, the reduction in lanes can negatively impact the higher density redevelopment which is encouraged in these areas.

Staff Recommendation:

Approval as Modified

Local Planning Agency:

Approval as Modified

City Commission:

Approval as Modified

Board of County Commissioners:

Approval as Modified

PCT120110 As Adopted

Policy 1.5.3

The Roadway Level of Service Standards established in ~~Policy 1.5.1 and 1.5.2~~ under Goal 1.5, and as may be duplicated in the Capital Improvements Element, may be waived if a mobility fee program is adopted into the local concurrency management manuals by the City and/or County Commissions. If implemented, the mobility fee program shall:

- 1) account for the fact that development further from activity nodes creates greater fiscal and environmental costs to the community;
- 2) support compact, mixed use development and redevelopment within adopted energy efficiency districts.

.....

Policy 1.5.7

Changes to roadway segment capacity that result from the reduction or restriction of automobile laneage from existing conditions in order to implement multimodal or other non-automobile-oriented comprehensive planning goals will not require transportation concurrency mitigation. An analysis shall be conducted of transportation and land use impacts on parallel roadways that would result from the lane changes.

ATTACHMENT #3

County Adoption Ordinance

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

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

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

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

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

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

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

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

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

7 **Section 1. Purpose and Intent.**

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

11 **Section 2. Map Amendment.**

12
13 The Ordinance does hereby adopt the following portion of the text attached hereto as
14 Exhibit “A,” and made a part hereof, as an amendment to the Tallahassee-Leon County 2030
15 Comprehensive Plan, as amended, and does hereby amend “The Tallahassee-Leon County 2030
16 Comprehensive Plan,” as amended, in accordance therewith, being an amendment to the
17 following Plan element:

18 Map Amendment PCM120101, which relates to the Future Land Use Map.

19
20 **Section 3. Map Amendment.**

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

26 Map Amendment PCM120103, which relates to the Future Land Use Map.

27 **Section 4. Map Amendment.**

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

6 Map Amendment PCM120104, which relates to the Future Land Use Map.

7 **Section 5. Text Amendment.**

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

13 Text Amendment PCT120105, which relates to the Land Use Element.

14 **Section 6. Text Amendment.**

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

20 Text Amendment PCT120106, which relates to the Land Use Element.

21 **Section 7. Text Amendment.**

22 The Ordinance does hereby adopt the following portion of the text attached hereto as
23 Exhibit “A,” and made a part hereof, an amendment to the Tallahassee-Leon County 2030

1 Comprehensive Plan, as amended, and does hereby amend “The Tallahassee-Leon County 2030
2 Comprehensive Plan,” as amended, in accordance therewith, being an amendment to the
3 following Plan element:

4 Text Amendment PCT120108, which relates to the Economic Development Element.

5 **Section 8. Text Amendment.**

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

11 Text Amendment PCT120109, which relates to the County Housing Element.

12 **Section 9. Text Amendment.**

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

18 Text Amendment PCT120110, which relates to the Mobility Element.

19 **Section 10. Applicability and Effect.**

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

1 **Section 11. Conflict with Other Ordinances and Codes.**

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

4 **Section 12. Severability.**

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

8 **Section 13. Copy on File.**

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

14 **Section 14. Effective Date.**

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

17 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
18 County, Florida, this _____ day of _____, 2012.

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LEON COUNTY, FLORIDA

BY: _____
AKIN S. AKINYEMI, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

1 ATTESTED BY:
2 BOB INZER, CLERK OF THE COURT
3

4

5

BY: _____
6 CLERK

7

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

11

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BY: _____
14 HERBERT W.A. THIELE, ESQ.
15 COUNTY ATTORNEY

ATTACHMENT #4

City Adoption Ordinance

ORDINANCE NO. 12-O-27

**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

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

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

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

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

18 WHEREAS, pursuant to Section 163.3184, Florida Statutes, on June 26, 2012,
19 the City Commission of the City of Tallahassee held a public hearing with due public
20 notice having been provided on these amendments to the comprehensive plan; and,

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

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

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

10 **Section 1. Purpose and Intent.**

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

15 **Section 2. Map Amendment.**

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

21 Map Amendment PCM120101, which relates to the Future Land Use Map.

22 **Section 3. Reserved.**

23 **Section 4. Map Amendment.**

24 The Ordinance does hereby adopt the following portion of the text attached
25 hereto as Exhibit "A," and made a part hereof, as an amendment to the Tallahassee-

1 Leon County 2030 Comprehensive Plan, as amended, and does hereby amend "The
2 Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance
3 therewith, being an amendment to the following Plan element:

4 Map Amendment PCM120103, which relates to the Future Land Use Map.

5 **Section 5. Map Amendment.**

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

11 Map Amendment PCM120104, which relates to the Future Land Use Map.

12 **Section 6. Text Amendment.**

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

18 Text Amendment PCT120105, which relates to the Land Use Element.

19

20 **Section 7. Text Amendment.**

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

1 Text Amendment PCT120106, which relates to the Land Use Element.

2 **Section 8. Text Amendment.**

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

8 Text Amendment PCT120108, which relates to the Economic Development
9 Element.

10 **Section 9. Text Amendment.**

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

16 Text Amendment PCT120109, which relates to the County Housing Element.

17 **Section 10. Text Amendment.**

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

23 Text Amendment PCT120110, which relates to the Mobility Element.

24 **Section 11. Conflict With Other Ordinances and Codes.**

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

4 **Section 12. Severability.**

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

9 **Section 13. Copy on File.**

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

16 **Section 14. Effective Date.**

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

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INTRODUCED in the City Commission on the 13th day of June, 2012.

PASSED by the City Commission on the 26th day of June, 2012.

CITY OF TALLAHASSEE

By: _____
John R. Marks, III
Mayor

ATTEST:

APPROVED AS TO FORM

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

By: _____
James R. English
City Attorney

ATTACHMENT #5

County Rezoning Agenda Item



Board of County Commissioners
Leon County, Florida
www.leoncountyfl.gov

Agenda Item
Executive Summary

June 26, 2012

Title:

First and only Quasi-judicial Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zone Classification from Interchange Commercial (IC), General Commercial (C-2), Residential Acre (RA) and Residential Preservation (RP) Zoning Districts to the High Intensity Urban Activity Center Zoning District (AC) (PRZ #120005)

Staff:

Vincent S. Long, County Administrator
Wayne Tedder, Director of PLACE
Roxanne Manning, Planning Manager

Issue Briefing:

Conduct the first and only quasi-judicial public hearing and adopt a proposed Ordinance amending the Official Zoning Map from Interchange Commercial, General Commercial, Residential Acre, and Residential Preservation Zoning Districts to the High Intensity Urban Activity Center Zoning District, based upon the findings of fact and conclusions of law made by Board of County Commissioners and included herein, and any evidence submitted at the Hearing hereon. The subject site is located on the western corner of Interstate 10 and Mahan Drive and consists of approximately 172.38 acres. The site is own by Devoe Moore who is the applicant of the rezoning. The proposed rezoning Ordinance implements Comprehensive Plan Map Amendment PCM120104, which is proposed for adoption on June 26, 2012.

Fiscal Impact:

This item has no current fiscal impact.

Staff Recommendation:

Option #1: Conduct the first and only quasi-judicial public hearing and adopt a proposed Ordinance amending the Official Zoning Map from Interchange Commercial, General Commercial, Residential Acre, and Residential Preservation Zoning Districts to the High Intensity Urban Activity Center Zoning District, based upon the findings of facts and conclusions of law made by the Board of County Commissioners and as included herein, which are hereby adopted by reference, and any evidence submitted at the Hearing hereon.

Report and Discussion

Background:

The proposed Ordinance will rezone approximately 172.38 acres located on the on the western corner of Interstate 10 and Mahan Drive from Interchange Commercial, General Commercial, Residential Acre, and Residential Preservation Zoning Districts to the High Intensity Urban Activity Center Zoning District. The site is own by Devoe Moore who is the applicant of the rezoning. The site (shown on Attachment #1, page 6) is the subject of a map amendment (PCM120104) and text amendment (PCT120105) to the Comprehensive Plan during Cycle 2012-1. The text amendment seeks an exemption from the Development of Regional Impact (DRI) review for the site. At the April 24, 2012 Transmittal Public Hearing on the referenced map and text amendments, several issues of concern were discussed by County and City Commissioners related to future development of the site. These issues included buffering to protect existing residential development and the integrity of the Mahan Drive gateway, provision for mass transit and pedestrian connections, and site and building design of future development. In order to address these and other issues a Development Agreement is being developed for the site and the City and County Commissions approved revised language for the text amendment which included objectives to be met by any future development of the subject site. The applicant also excluded from his original request, a portion of the subject site (three acres in total) that abuts the low residential development to the south of the site.

Lastly, the Board of County Commissioners will vote on adopting the map amendment and text amendment pertaining to the site on June 26, 2012. If the map and text amendments and the rezoning are adopted as scheduled, they will become effective on approximately August 3.

Analysis:

The subject site is located within the existing Urban Service Area of Tallahassee-Leon County. The Urban Service Area is established by Objective 1.1 of the Land Use Element of the Comprehensive Plan. Policies under this objective require that new development be concentrated within the Urban Service Area and that higher density and mixed use development and its ancillary activities be channeled into locations which have proper access to the existing transportation system; minimal environmental constraints; sufficient stormwater treatment capacity; compatible existing land use and readily available sewer and water infrastructure (Land Use Policies 1.1.1 and 1.1.7). The site is in an area where there are existing services to support more intense development. City water and sewer is available to serve the site. In addition, the site is located at the intersection of Interstate 10 and Mahan Drive (Highway 90), two major transportation facilities. Mahan Drive, as part of the Strategic Intermodal System (SIS), is currently being reconstructed with additional lanes sidewalks and bike lanes from Dempsey Mayo to Walden Road.

The subject site is included in the Mahan Drive (US 90) Corridor Study which was completed in 2004. The intent of the plan was to create a vision for the corridor through land-use, transportation facilities and neighborhood preservation measures that achieved a positive image for the corridor. In the study, the subject site was recommended for two proposed new land use categories - "Residential Corridor" category and "I-10 Business and Employment" category. Residential Corridor was recommended for the area with residential zoning immediately located mostly along and near Thornton Road. The I-10 Business and Employment category was proposed for the remaining area which included the majority of the site. The category was intended to provide a range of activities from employment based office and light industrial uses to commercial services, multi-family housing and community-wide and regional trade areas. The proposed amendment provides for uses that are consistent to those recommended for this node in the corridor study. Densities and intensities under the proposed amendment could be higher than those shown in the corridor study.

In addition to the corridor study, the subject site is included in the Regional Mobility Plan adopted by the City and County Commissions. The Regional Mobility Plan identified the subject site as a "Preferred Growth Area" to concentrate regional economic opportunities and curb the spread of suburban type development. The proposed amendment is consistent with the Regional Mobility Plan concept by providing for the highest development potential of the site which could curb the spread of typical suburban development along Mahan Drive by concentrating development into this area and taking pressure off other segments. This could reduce the pressure to provide more intense development outside the Urban Service Area.

Thus, the rezoning is recommended for approval based on the following findings:

1. The proposed change is consistent with the Comprehensive Plan.
2. The High Intensity Urban Activity Center Zoning District implements the High Intensity Urban Activity Center future land use category.
3. The subject site is in the Tallahassee-Leon County Urban Service Area. Areas within the Urban Service Area are intended for greater densities and intensities based on the availability of infrastructure. The site is in an area where there are existing services, including water and sewer, to support more intense development. The subject site is also located at the intersection of Interstate 10 and Mahan Drive (Highway 90), two major transportation facilities that can support higher intensity uses.
4. The subject site is identified as a "Growth Area/Node" in the Regional Mobility Plan adopted by the City and County Commissions. As a growth area it is intended to accommodate greater intensity compact development. The proposed rezoning would maximize the development potential of the site and concentrate regional economic activity at the node for more efficient use of the transportation network.

This rezoning is in a posture for final action by the Board of County Commissioners. This request has been noticed and advertised in accordance with the provisions of the Leon County Land Development Code.

Options:

1. Conduct the first and only quasi-judicial public hearing and adopt a proposed Ordinance amending the Official Zoning Map from Interchange Commercial, General Commercial, Residential Acre, and Residential Preservation Zoning Districts to the High Intensity Urban Activity Center Zoning District, based upon the findings of fact and conclusions of law made by the Board of County Commissioners and as included herein, which are hereby adopted by reference, and any evidence submitted at the Hearing hereon.
2. Conduct the first and only quasi-judicial public hearing and deny the proposed Ordinance, retaining the existing Interchange Commercial, General Commercial, Residential Acre, and Residential Preservation Zoning Districts, based upon the findings of fact and conclusions of law of the Board of County Commissioners.
3. Board Direction.

Recommendation:

Option #1.

Attachment

1. Proposed Ordinance and Location Map

VSL/RM/CH/DT

LEON COUNTY ORDINANCE NO. ____

AN ORDINANCE AMENDING LEON COUNTY ORDINANCE NO. 92-11 TO PROVIDE FOR A CHANGE IN ZONE CLASSIFICATION FROM INTERCHANGE COMMERCIAL, COMMERCIAL-2, RESIDENTIAL ACRE, AND RESIDENTIAL PRESERVATION TO HIGH INTENSITY URBAN ACTIVITY CENTER IN LEON COUNTY, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
LEON COUNTY, FLORIDA:

SECTION 1. The Official Zoning Map as adopted in Leon County Ordinance No. 92-11 is hereby amended as it pertains to the following described real properties:

PRZ120005: From Interchange Commercial (IC), Commercial -2 (C-2), Residential Acre (RA), and Residential Preservation (RP) to High Intensity Urban Activity Center (AC) (See Exhibit A):

A part of Section 18, Township 1 North, Range 2 East, Leon County, Florida, describe as follows: Commence at the Southwest corner of Section 18, Township 1 North, Range 2 East, Leon County, Florida, and run thence North along the Section line 408.75 feet to the Northerly right-of-way boundary of State Road No. 10 (U.S. No. 90); thence North 67 degrees 12 minutes 21 seconds East along said right-of-way boundary 1466.54 feet (record measurement) to the Easterly right-of-way of Thornton Road (80 foot right-of-way); thence North 00 degrees 27 minutes 43 seconds West 2317.32 feet to an iron stake; thence North 20 degrees 53 minutes 19 seconds West 216.80 feet to a concrete monument (S.R.D.) ; thence North 24 degrees 44 minutes 25 seconds West along the Easterly right-of-way boundary of Thornton Road 132.94 feet to an iron pin (No. 284) marking the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 24 degrees 44 minutes 25 seconds West along said right-of-way boundary 1243.65 feet to an iron pipe; thence leaving said right-of-way boundary North 65 degrees 12 minutes 44 seconds East 1272.53 feet to an iron pin (No. 284) marking the Southerly right-of-way boundary of Interstate No. 10 (State Road No. 8); thence South 60 degrees 21 minutes 19 seconds East 51.38 feet along said right-of-way boundary to an iron pin (D.O.T.); thence continue along said right-of-way boundary South 52 degrees 58 minutes 57 seconds East 2313.12 feet to a concrete monument (No. 284); thence continue along said right-of-way boundary South 48 degrees 55 minutes 00 seconds East 356.63 feet to an iron pin (No. 284); thence leaving said right-of-way boundary South 00 degrees 21 minutes 02 seconds East 809.75 feet to a concrete monument (No.284); thence South 67 degrees 12 minutes 21 seconds West 1713.18 feet to a concrete monument (No. 284); thence North 00 degrees 03 minutes 07 seconds West 481.35 feet to an iron pipe; thence North 89 degrees 54 minutes 58 seconds East 216.06 feet to a concrete monument (No.284); thence North 00 degrees 02 minutes 07 seconds West 659.52 feet to an iron pipe; thence continue North 00 degrees 02 minutes 07 seconds West 320.64 feet to a nail and cap (No. 284) set in top of a fence post; thence North 89 degrees 57 minutes 52 seconds West 1435.78 feet to the POINT OF BEGINNING; containing 108.804 acres, more or less, and, Less and except 6.38 Acres, more or less, as described as follows:

A part of Section 18, Township 1 North, Range 2 East, Leon County, Florida, described as follows: Commence at the Southwest corner of Section 18, Township 1North, Range 2 East, Leon

County, Florida, and run thence North along the Section line 408.75 feet (deed), North 401.37 feet (measured) to the Northerly right-of-way boundary of State Road No. 10 (U.S. No. 90); thence North 67 degrees 12 minutes 21 seconds East along said right-of-way boundary 1466.54 feet (record measurement), North 67 degrees 12 minutes 29 seconds East 1477.33 feet (measured) to the Easterly right-of-way of Thornton Road (80.00 foot right-of-way); thence North 00 degrees 27 minutes 43 seconds West 2317.32 feet to an iron stake; thence North 20 degrees 53 minutes 19 seconds West 216.80 feet to a concrete monument (S.R.D.); thence North 24 degrees 44 minutes 25 seconds West along the Easterly right-of-way boundary of Thornton Road 132.94 feet to an iron pin (No. 284); thence leaving said Easterly right-of-way boundary South 89 degrees 57 minutes 52 seconds East 1435.78 feet to a nail and cap (No. 284); set in top of a fence post; thence South 00 degrees 02 minutes 07 seconds East 320.64 feet to an iron pipe; thence continues south 00 degrees 02 minutes 07 seconds East 659.52 feet to a concrete monument (No. 284) marking the POINT OF BEGINNING. From said POINT OF BEGINNING proceed south 89 degrees 54 minutes 58 seconds West 216.06 feet (deed), South 89 degrees 54 minutes 50 seconds West 216.87 (measured) to an iron pipe; thence South 00 degrees 03 minutes 07 seconds East 481.35 feet (deed), South 00 degrees 08 minutes 45 seconds East 481.26 feet (measured) to a concrete monument (No. 284), thence North 67 degrees 12 minutes 21 seconds East 1246.68 feet to a point along the Southerly less and excepted deed description recorded in Official Records Book 1953, Page 1521 of the Public Records of Leon County; thence South 89 degrees 54 minutes 58 seconds West (deed), South 89 degrees 54 minutes 50 seconds West 933.68 feet (measured), to the POINT OF BEGINNING; containing 6.38 acres, more or less.

ALSO: A part of Section 18, Township 1 North, Range 2 East, Leon County, Florida, described as follows: Commence at the Southwest corner of Section 18, Township 1 North, Range 2 East, Leon County, Florida, and run thence North along the section line 408.75 feet (Deed), North 401.37 feet (Measured), to the Northerly right-of-way boundary of State Road No. 10 (U.S. No. 90); thence North 67 degrees 12 minutes 21 seconds East along said right-of-way boundary 1466.54 feet (Record Measurement), North 67 degrees 12 minutes 29 seconds East 1477.33 feet (Measured), to the Easterly right-of-way of Thornton Road (80.00 foot right-of-way); thence North 00 degrees 27 minutes 43 seconds West 2317.32 feet to an iron stake; thence North 20 degrees 53 minutes 19 seconds West 216.80 feet to a concrete monument (S.R.D.); thence North 24 degrees 44 minutes 25 seconds West along the Easterly right-of-way boundary of Thornton Road 132.94 feet to an iron pin (No. 284); thence leaving said Easterly right-of-way boundary south 89 degrees 57 minutes 52 seconds East 1435.78 feet to a nail and cap (No. 284) set in top of a fence post; thence South 00 degrees 02 minutes 07 seconds East 320.64 feet to an iron pipe; thence continue South 00 degrees 02 minutes 07 seconds East 659.52 feet to a concrete monument (No. 284); thence South 89 degrees 54 minutes 58 seconds West 216.06 feet (Deed), South 89 degrees 54 minutes 50 seconds West 216.87 feet (Measured) to an iron pipe; thence South 00 degrees 03 minutes 07 seconds East 481.35 feet (Deed), South 00 degrees 08 minutes 45 seconds East 481.26 feet (Measured) to a concrete monument (No.284) marking the POINT OF BEGINNING. From said POINT OF BEGINNING continue South 00 degrees 03 minutes 07 seconds East 728.11 feet (Previous Survey), South 00 degrees 02 minutes 08 seconds East 727.95 feet (Measured), to an iron stake and concrete monument (No. 284) marking the Northerly right-of-way boundary of State Road No. 10 (U.S. No. 90); thence North 67 degrees 12 minutes 21 seconds East along said right-of-way boundary 385.27 feet (Previous Survey), North 67 degrees 11 minutes 51 seconds East 385.22 feet (Measured) to an iron pin (D.O.T.); thence continue along said right-of-way boundary North 22 degrees 47 minutes 39 seconds West 27.00 feet (Previous Survey), North 22 degrees 46 minutes 21 seconds West 27.02 feet (Measured), to an iron pin (No.284); thence continue along said right-of-way boundary North 67 degrees 12 minutes 21 seconds East 1343.17 feet (Previous Survey), North 67 degrees 12 minutes 24 seconds East 1343.31 feet (Measured) to a concrete monument (No. 1254); thence leaving said right-of-way boundary North 00 degrees 21 minutes 02 seconds West 697.32 feet (Previous Survey), thence North 00 degrees 20 minutes 35 seconds West 697.06 feet (Measured), to a concrete monument (No. 284); thence South 67 degrees 12 minutes 21 seconds West 1713.18 feet (Deed), 1713.14 feet (Measured), to the POINT OF BEGINNING; containing 25.61 acres, more or less.

ALSO, A part of Section 18, Township 1 North, Range 2 East, Leon County, Florida, described as follows: Commence at the Southwest corner of Section 18, Township 1 North, Range 2 East, Leon County, Florida, and run thence North along the Section line 408.75 feet (Deed), North 401.37 feet (Measured), to the Northerly right-of-way boundary of State Road No. 10 (U.S. No. 90); thence North 67 degrees 12 minutes 21 seconds East along said right-of-way boundary 1466.54 feet (Record Measurement), North 67 degrees 12 minutes 29 seconds East 1477.33 feet (Measured), to the Easterly right-of-way of Thornton Road (80.00 foot right-of-way); thence North 00 degrees 27 minutes 43 seconds west 2317.32 feet to an iron stake; thence North 20 degrees 53 minutes 19 seconds West 216.80 feet to a concrete monument (S.R. D); thence North 24 degrees 44 minutes 25 seconds West along the Easterly right-of-way boundary of Thornton Road 132.94 feet to an iron pin (No. 284); thence leaving said Easterly right-of-way boundary south 89 degrees 57 minutes 52 seconds East 1435.78 feet to a nail and cap (No. 284) set in top of a fence post; thence South 00 degrees 02 minutes 07 seconds East 320.64 feet to an iron pipe; thence continue South 00 degrees 02 minutes 07 seconds East 659.52 feet to a concrete monument (No. 284) marking the POINT OF BEGINNING. From said POINT OF BEGINNING proceed South 89 degrees 54 minutes 58 seconds West 216.06 feet (Deed), South 89 degrees 54 minutes 50 seconds west 216.87 feet (Measured), to an iron pipe; thence South 00 degrees 03 minutes 07 seconds East 481.35 feet (Deed), south 00 degrees 08 minutes 45 seconds East 481.26 feet (Measured), to a concrete monument (No. 284); thence North 67 degrees 12 minutes 21 seconds East 1246.68 feet to a point along the Southerly less and excepted deed description recorded in Official Records Book 1953, Page 1521 of the Public Records of Leon County; thence South 89 degrees 54 minutes 58 seconds West (Deed), South 89 degrees 54 minutes 50 seconds west 933.68 (Measured), to the POINT OF BEGINNING; containing 6.38 acres, more or less.

ALSO: Commence at the Southwest corner of Section 18, Township 1 North, Range 2 East, Leon County, Florida and run thence North 408.75 feet to the North right- of -way line of U.S. Highway 90, thence run North 67 degrees 15 minutes East along the North right- of -way line of U.S. Highway 90, 466.54 feet to the East side of Thornton Road, thence North along the East side of Thornton Road, 2324.30 feet to an iron pipe which is the Point of Beginning. From said Point of Beginning, run thence North 20 degrees 57 minutes 30 seconds West 216.18 feet to a concrete monument, thence run North 24 degrees 40 minutes 19 seconds West 132.94 feet to an iron pipe, thence run North 89 degrees 58 minutes 07 seconds East 1435.79 feet to an iron pipe, thence run south 320.64 feet to an iron pipe, thence run south 89 degrees 55 minutes 15 seconds West 1302.75 feet to an iron pipe being the Point of Beginning.

ALSO: Commence at the SW Corner of the SW 1/4 of Section 18, Township 1 North, Range 2 East, thence run North 408.75 feet to a point on the North boundary line of the right-of-way of State Road Number 1 (as it was located on July 1, 1952), thence run North 67 degrees 15 minutes East a distance of 1462.34 feet, thence run North 1976.3 feet to a point which is the POINT OF BEGINNING, thence East 419.16 feet, thence run South 312 feet, thence run East 883.34 feet, thence run North 660 feet thence run West 1302.5 feet thence run south 348 feet to the Point of Beginning, containing 16.73 acres more or less, and lying and being in Section 18, Township 1 North, Range 2 East, Leon County, Florida.

ALSO: Commence at the Southwest corner of the Southwest Quarter of Section 18, Township 1 North, Range 2 East, and thence run North 408.75 feet to a point on the North boundary line of the right- of -way of State Road No.1, thence run North 67 degrees 15 minutes East a distance of 2403.90 feet to a point which is the Point of Beginning; thence continue running North on State Road right- of -way 67 degrees 15 minutes east 235.39 feet, thence run North a distance of 1209.15 feet, thence run West a distance of 217.08 feet, thence run south a distance of 1300.18 feet to the Point of Beginning, the same being Lot. No. 11 of an unrecorded plat of the property of the Capital City Bank located in Section 12 and 13, Township 1 North, Range 1 East, and Sections 7 and 18 in Township 1 North, Range 2 East.

ALSO: Commence at the Southwest corner of the Southwest quarter of Section 18, Township 1 North, Range 2 East, Leon County, Florida, and thence run North 408.75 feet to a point on the

North boundary line of the right-of-way of State Road No. 1, thence run North 67 degrees 15 minutes East a distance of 2168.51 feet to a point which is the Point of Beginning. Thence continue running North of said State Road right-of-way 67 degrees 35 minutes East 235.39, thence North a distance of 1300.18 feet, thence run West a distance of 217.08 feet, thence run South a distance of 1391.31 feet to the POINT OF BEGINNING.

LESS AND EXCEPT the following described property:

Commence at the Southwest corner of the Southwest quarter of Section 18, Township 1 North, Range 2 East, Leon County, Florida, and thence run North 408.75 feet to a point on the North boundary line of the right-of-way of State Road No. 1, thence run North 67 degrees 15 minutes East a distance of 2168.51 feet to a point which is the POINT OF BEGINNING. Thence run North 400 feet, thence East 20 feet, thence South to the Northern boundary line of right-of-way of State Road No. 1, thence in a Southwesterly direction along the Northern boundary of said right-of-way to the POINT OF BEGINNING.

LESS AND EXCEPT the following described property:

Commence at the Southwest corner of the Southwest quarter of Section 18, Township 1 North, Range 2 East, and thence run North 408.75 feet to a point of the North boundary line of the right-of-way of State Road No. 10 (U.S.90), thence run North 67 degrees 15 minutes East along said right-of-way 2190.2 feet, thence leaving said right-of-way run North 391.51 feet, thence West 20.0 feet, thence North 790.60 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 200.66 feet, thence East 217.08 feet, thence South 200.66 feet, thence West 217.08 feet to the POINT OF BEGINNING.

Together with 20 foot ingress, egress, and utility easement more particularly described as follows:

Commence at the Southwest corner of the Southwest quarter of Section 18, Township 1 North, Range 2 East, Leon County, Florida and thence run North 408.75 feet to a point on the North boundary line of the right-of-way of State Road No. 10 (U.S. 90), thence run North 67 degrees 15 minutes East, along said North boundary line of the right-of-way, a distance of 2382.21 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING, continue North 67 degrees 15 minutes East, along said right-of-way 21.69 feet, thence leaving said right-of-way run North 697.30 feet, thence West 20.0 feet, thence South 705.69 feet to the POINT OF BEGINNING.

SECTION 2. All Ordinance or parts of Ordinance in conflict with the provisions this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2030 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 said Comprehensive Plan.

SECTION 3. If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. The effective date of this ordinance shall be the effective date of comprehensive plan amendment PCM120104.

DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on this th ____ day of ____, 2012.

LEON COUNTY, FLORIDA

Akin Akinyemni, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court

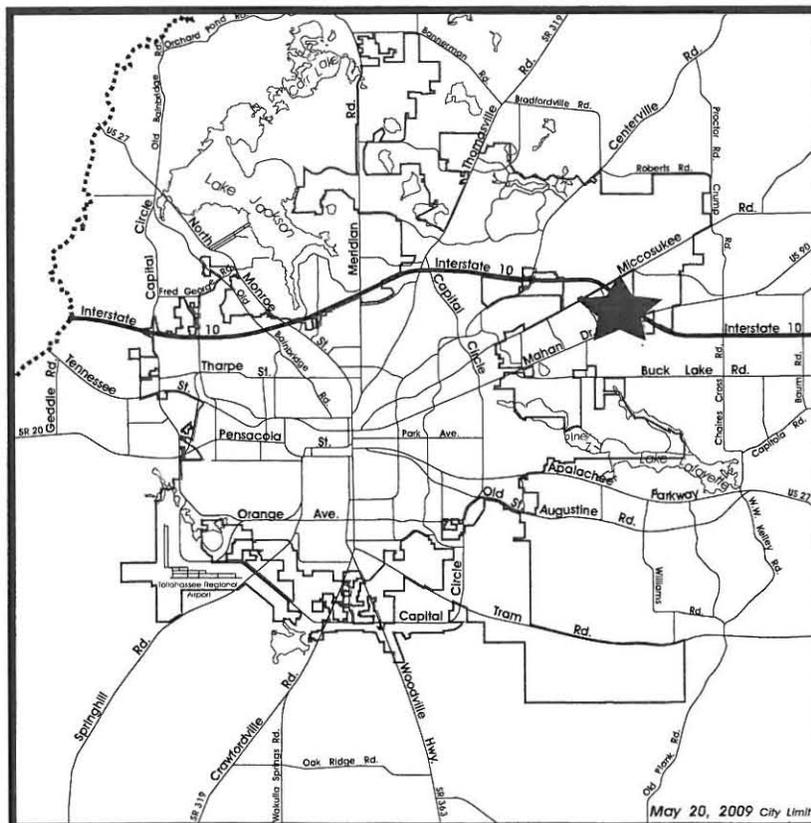
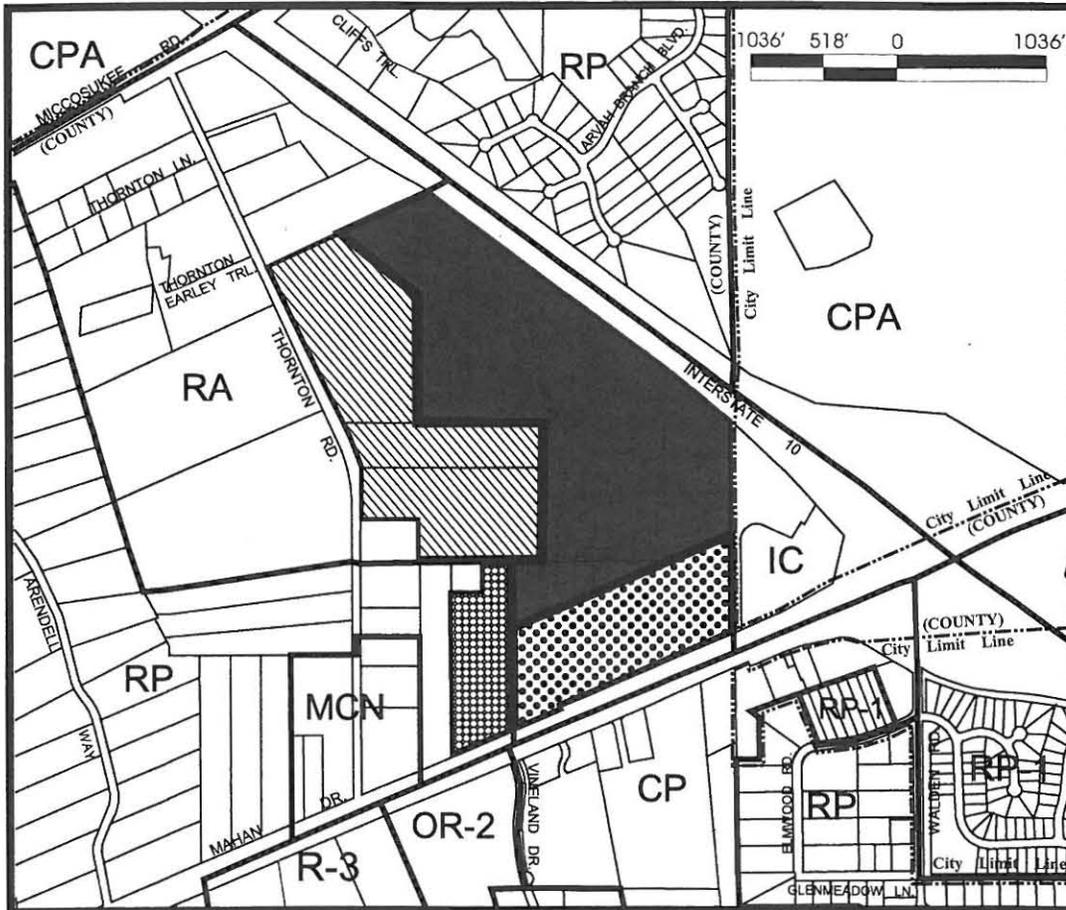
By: _____

APPROVED AS TO FORM:
County Attorney's Office
Leon County, Florida

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

I-10 AND MAHAN DRIVE REZONING

PRZ #120005



GENERAL LOCATION MAP

ATTACHMENT #6

City Rezoning Agenda Items

CITY OF TALLAHASSEE

CITY COMMISSION AGENDA ITEM

ACTION REQUESTED ON:	June 26, 2012
SUBJECT/TITLE:	First and Only Public Hearing on Ordinance No. 12-Z-24: Proposed Amendment to the Official Zoning Map from the M-1 Light Industrial District to CP Commercial Parkway District
TARGET ISSUE:	N/A

STATEMENT OF ISSUE

First and only public hearing on Ordinance No. 12-Z-24 (Attachment #1); Proposed Amendment to the Official Zoning Map from the M-1 Light Industrial District to CP Commercial Parkway District on 6.439 acres located near the intersection of West Pensacola and Mabry Streets at the existing Goodwill donation and retail center. This rezoning implements Comprehensive Plan map amendment PCM120101, which is proposed for adoption on June 26, 2012.

RECOMMENDED ACTION

Option 1: Adopt Ordinance No.12-Z-24 amending the Official Zoning Map from the M-1 Light Industrial District to CP Commercial Parkway District.

FISCAL IMPACT

No fiscal impacts identified.

For information, please contact: Susan Poplin at (850) 891-6446.

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

The proposed Ordinance will rezone subject parcels from the M-1 Light Industrial District to CP Commercial Parkway District. The parcels (shown on Attachment #1, page 3) are the subject of an amendment (Map PCM120101) to the Comprehensive Plan during Cycle 2012-1. The City Commission will vote on adopting the amendment on June 26, 2012. Ordinance No.12-O-27 scheduled for the June 26, 2012 joint City/County Comprehensive Plan Adoption Hearing, is a companion ordinance to this rezoning and adopts the Comprehensive Plan map amendment change to the Suburban future land use category. If these two Ordinances are adopted as scheduled, they will become effective on approximately August 3, 2012. This Ordinance was introduced at the June 13, 2012 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. 12-Z-24 amending the Official Zoning Map from the M-1 Light Industrial District to CP Commercial Parkway District.
2. Do not adopt Ordinance No. 12-Z-24 and retain the current M-1 Light Industrial District.

ATTACHMENTS/REFERENCES

Attachment #1: Ordinance No. 12-Z-24

ORDINANCE NO. 12-Z-24

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING AND INCLUDING ADDITIONAL TERRITORY AS AND IN COMMERCIAL PARKWAY 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 June 26, 2012 the City Commission approved Ordinance No.12-O-27, which adopted Comprehensive Amendment #PCM120101. To implement plan amendment #PCM120101 the property, which is the subject of that amendment, shown as Suburban on the map, attached hereto as Exhibit A, must be rezoned. Accordingly, the following described part or area of the City of Tallahassee and the same is hereby changed from M-1 Light Industrial District and hereby designated and established as CP Commercial Parkway District on the official zoning map of the City of Tallahassee adopted and established by the City Commission.

PRZ120002: From M-1 Light Industrial District to Commercial Parkway District:

Those properties shown as Suburban 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 PCM120101.

INTRODUCED in the City Commission on the 13th day of June, 2012.

PASSED the City Commission on the ___ th day of June, 2012.

CITY OF TALLAHASSEE, FLORIDA

John Marks, Mayor

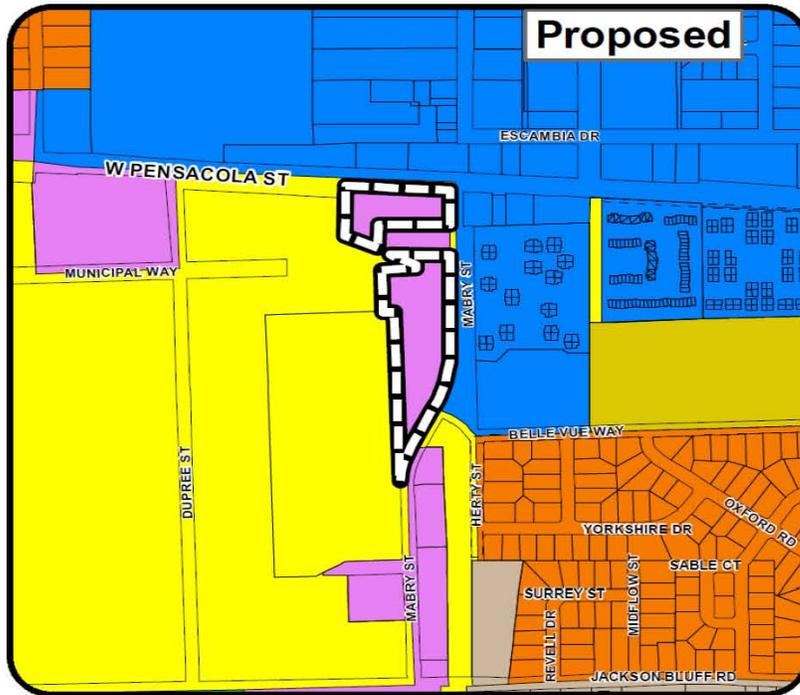
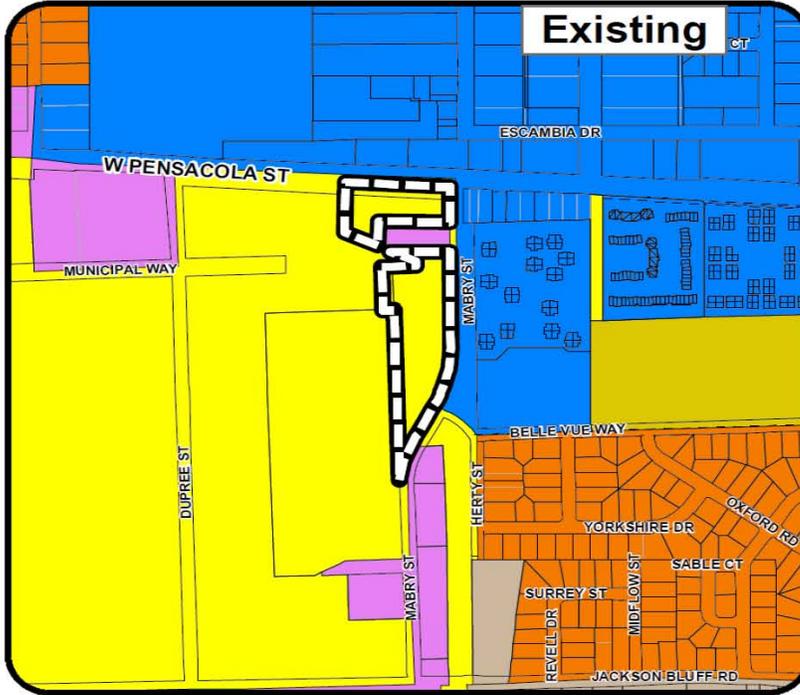
ATTEST:

APPROVED AS TO FORM:

James O. Cooke, IV
Interim City Treasurer Clerk

James R. English, City Attorney

EXHIBIT A - MAP ATTACHMENT



Future Land Use

Legend

- Educational Facilities
- Governmental Operation
- Open Space
- Residential Preservation
- Suburban
- Urban Residential 2
- University Transition
- Subject Parcel

**AMENDMENT
PCM120101
LOCATION**

Existing

Government Operation

**Proposed
Suburban**

SITE TAX ID:
21-33-20-801-0000
21-33-20-403-0000

ACRES: 6.5 ±



CITY OF TALLAHASSEE	
<u>CITY COMMISSION AGENDA ITEM</u>	
ACTION REQUESTED ON:	June 26, 2012
SUBJECT/TITLE:	First and Only Public Hearing on Ordinance 12-Z-07: Proposed Amendment to the Official Zoning Map Changing the Zoning Classification from the Light Industrial (M-1) Zoning District to the Commercial Parkway (CP) Zoning District
TARGET ISSUE:	N/A

STATEMENT OF ISSUE

This application requests an amendment to the Official Zoning Map to change the zoning classification from the Light Industrial (M-1) zoning district to the Commercial Parkway (CP) zoning district for a 0.995-acre parcel located at 240 Mabry Street. The subject property is the Dick Howser Center for Childhood Services, a subsidiary of Goodwill Industries, Inc. The proposed ordinance, including a location map, is included as Attachment #1. Pictures of the site are included as Attachment #2.

Concurrently with the proposed rezoning of the subject property, a Comprehensive Plan Amendment and associated rezoning is proposed for the 6.4-acre site that surrounds the subject property, which the City of Tallahassee is in the process of selling to Goodwill Industries. The combined rezonings of the subject property and surrounding property will create a contiguous 7.4-acre CP zoning district (Attachment #3).

RECOMMENDED ACTION

Option 1: Adopt Ordinance 12-Z-07, thereby amending the Official Zoning Map to Change the zoning classification from the Light Industrial (M-1) zoning district to the Commercial Parkway (CP) zoning district, based upon the findings of fact and conclusions of law made by the Planning Commission, and any evidence submitted at the hearing hereon.

FISCAL IMPACT

Staff time required to process the rezoning and costs associated with local and state advertising requirements.

For information, please contact: Susan Denny, Ext.: 6400.

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY

Previous Zoning: Prior to the adoption of the City of Tallahassee Zoning, Site Plan and Subdivision Regulations in 1992, the subject parcel was zoned RM-2 (Single- Two- Three- Four- and Multiple Dwelling), which allowed day care use. In 1992, the City rezoned the subject property from RM-2 to Mixed Use B (MU-B) pursuant to the adoption of the Tallahassee-Leon County Comprehensive Plan in 1990. Day care was an allowed use in the MU-B zoning district. In 1997, the City implemented “Site Specific Zoning” and rezoned the subject site to M-1, which does not allow day care as a permitted principal use, therefore making the subject site a legal non-conforming use.

April 11, 2012: The City of Tallahassee approved the sale of the 6.4-acre site that surrounds the subject property to Goodwill Industries, Inc. The City is expecting to close on the property in May or June.

April 24, 2012: A joint City-County adoption hearing was held on the proposed Cycle 2012-1 Comprehensive Plan Amendments, including Amendment PCM120101 (Attachment #4) to change the FLUM for the 6.4-acre Goodwill site from Government Operations to Suburban and rezone the 6.4-acre site to CP.

June 5, 2012: The Planning Commission held a hearing on Ordinance No. 12-Z-07, and voted 5-0 to approve the ordinance, without discussion.

June 13, 2012: Ordinance 12-Z-07 was introduced to the City Commission.

Planning Commission Discussion

The Planning Commission voted to recommend that the City Commission adopt Ordinance No. 12-Z-07, thereby changing the zoning district for the subject parcel from M-1 to CP, without discussion.

Facts & Issues

In accordance with Section 10-51 (Procedures for Official Zoning Map Amendments) of the Tallahassee Land Development Code, the City shall consider the following in determining whether to recommend approval or denial of an application:

1. Comprehensive Plan. *Is the proposal consistent with all applicable policies of the adopted Comprehensive Plan?*

Yes. Land Use Policy 2.2.5 states that the intent of the Suburban Future Land Use Category 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, if possible within walking distance. This category recognizes the manner in which much of Tallahassee-Leon County has developed since the 1940s. The category predominantly consists of single-use projects that are interconnected whenever feasible” (Attachment #5).

The existing Dick Howser Child Care Center is a small business, which also supports other small businesses by providing easily accessible day care services to nearby businesses and residents. It is consistent with the suburban FLUM.

2. Conformance with the Land Development Regulations. *Is the proposal in conformance with any applicable substantive requirements of the land development regulations, including minimum or maximum district size?*

The subject property will be part of a newly created 7.4-acre CP zoning district. This zoning district will be created by: (1) Adopting Comprehensive Plan Amendment PCM120101 that will change the FLUM designation of the 6.4-acre site that surrounds the subject property to the Suburban FLUM; (2) Rezoning the same 6.4-acre site to CP; and (3) the rezoning of the subject parcel to CP. As noted in the history section above, these three actions will happen at the Comprehensive Plan adoption hearing for Cycle 2012-1 amendments on June 26, 2012.

The newly created 7.4-acre CP zoning district will meet all the requirements of a CP zoning district (Attachment #5). Specifically, the proposed zoning district will: (1) be located within the Suburban FLUM; (2) be located outside of the multi-modal transportation district; (3) be characterized by a linear pattern of development; and (4) will have access to an arterial roadway (Pensacola Street).

Attachment #6 lists the permitted principal uses in the M-1 and CP zoning districts. Table 1 compares the maximum development intensity allowed by the respective zoning districts:

Table 1: Development Intensity Allowed by District*					
Zoning District	Maximum Residential Density	Minimum Lot Size	Maximum Non-Residential Building Size	Maximum Height	Allowable Density (1.43 acres)

M-1	none	None	10,000 s.f. gross floor area per parcel for some uses; 20,000 or 50,000 s.f. gross building area per acre for other uses	3 stories	Not applicable
CP	16 DU/AC	10,000 sq ft	25,000 s.f. floor area per acre, not to exceed 2000,000 sf per parcel for retail and office; 50,000 sf per acre for storage, warehouse uses	4 stories	15 units

*See Attachment #7: §10-260 M-1 Light Industrial, 10-258 CP Commercial Parkway district charts.

3. Changed Conditions. *Have the land use and development conditions changed since the effective date of the existing zoning district regulations involved, which are relevant to the properties?*

Yes. The Dick Howser Center and surrounding Goodwill Properties were conforming uses when they were originally constructed, and remained conforming uses until site specific zoning was adopted in 1997, when the Dick Howser Center and the surrounding Goodwill properties were placed in the zoning district that included the City of Tallahassee Municipal Service Complex (M-1). The proposed rezoning of the subject property, along with the proposed FLUM change and rezoning of the 6.4-acre surrounding site, will correct the error made in 1997 and eliminate the legal non-conforming status of the Dick Howser Center and surrounding Goodwill properties.

4. Land Use Compatibility. *Will the proposal result in any incompatible land uses, considering the type and location of uses involved?*

No. The subject property is surrounded by property that the City of Tallahassee is in the process of selling to Goodwill Industries for retail and administrative uses. As previously mentioned, the Comprehensive Plan FLUM category and zoning of the Goodwill properties are being changed to create one contiguous CP zoning district which includes the subject parcel.

The following table shows areas surrounding the proposed rezoning site with zoning, land use and physical use.

Table 2: Surrounding Zoning and Land Use				
Table 2: Surrounding Zoning and Land Use				
Area	Zoning	Land Use	Physical Use	Comments
Subject Parcel	M-1	Suburban	Day Care Center	
North	Existing: M-1 Pending change: CP	Existing: Government Operations Pending Suburban	Vacant	
South	Existing: M-1 Pending change: CP	Existing: Government Operations Pending Suburban	Goodwill Store, vacant platted unconstructed right-of-way, drainage easement	
East	University Transition (UT)	University Transition	Multi-family residential	Across Mabry Street
West	Existing: M-1 Pending change: CP	Existing: Government Operations Pending Suburban	Vacant	NA

5. **School Considerations.** *Is there capacity in area schools? What effects on enrollment could the proposed rezoning have on area schools?*

It is unlikely that the subject property will require school capacity since it is a non-residential use. However, should the site ever convert to a residential project there is sufficient school capacity as evidenced by the school impact analysis (Attachment #8).

6. **Other Matters.** *Are there any other matters, which the Commission may deem relevant and appropriate?*

No.

Public Notification and Response

This request has been noticed and advertised in accordance with the provisions of the Tallahassee Land Development Code (See Attachment 9). The Planning Department mailed 166 notices to property owners within 1,000 feet of the subject property. To date, the Planning Department has not received any responses to the proposed ordinance.

CHARITABLE CONTRIBUTIONS

Not applicable.

OPTIONS

1. Adopt Ordinance 12-Z-07, thereby amending the Official Zoning Map to Change the zoning classification from the Light Industrial (M-1) zoning district to the Commercial Parkway (CP) zoning district, based upon the findings of fact and conclusions of law made by the Planning Commission and any evidence submitted at the hearing hereon.
2. Do not adopt Ordinance 12-Z-07, thereby retaining the Light Industrial (M-1) zoning district, based upon the findings of fact and conclusions of law made by the City Commission and any evidence submitted at the hearing hereon.
3. Provide staff alternative direction.

ATTACHMENTS

1. Proposed Ordinance 12-Z-07.
2. Pictures of the Subject Site
3. Map of Goodwill Industry Purchase
4. Comprehensive Plan Amendment PC120101
5. Comprehensive Plan Land Use Policy 2.2.5
6. Comparison of M-1 and CP Approved Land Uses
7. Light Industrial (M-1) and Commercial Parkway (CP) Zoning Districts
8. School Impact Analysis
9. Tallahassee Democrat Advertisement

ORDINANCE NO. 12-Z-07

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING AND INCLUDING ADDITIONAL TERRITORY AS AND IN COMMERCIAL PARKWAY ON THE OFFICIAL ZONING MAP OF THE CITY OF TALLAHASSEE ADOPTED AND ESTABLISHED BY THE CITY COMMISSION; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: That the following described part or area of the City of Tallahassee be and the same is hereby changed from Light Industrial (M-1) and hereby designated and established as Commercial Parkway (CP) on the official zoning map of the City of Tallahassee adopted and established by the City Commission.

PRZ110023: From Light Industrial (M-1) to Commercial Parkway (CP)

PARCEL 6

As described in Official Records Book 1246, Page 1447 of the Public Records of Leon County, Florida.

A portion of that property described in Deed Book 92, Page 254 of the Public Records of Leon County, Florida. Said portion being more particularly described as follows:

Commence at a railroad spike in concrete marking the Southeast corner of Section 33, Township 1 North, Range 1 West, Leon County, Florida; thence South 89 degrees 29 minutes West along the Section Line (approximately centerline of Jackson Bluff Road) for a distance of 246.45 feet; thence leaving said Section Line North 01 degree 46 minutes West for a distance of 596.73 feet; thence South 88 degrees 14 minutes West for a distance of 30.00 feet to a found concrete monument on the North right-of-way of Avenue "L," thence North 01 degree 46 minutes West (bearing base) for a distance of 1379.05 feet to a found concrete monument marking the Northwest corner of that property under lease to Goodwill Industries, said concrete monument also on the South boundary of the 80-foot right-of-way of Municipal Way (unopened), said lease recorded in Official Record Book 459, Page 317 of the Public Records of Leon County, Florida; thence North 88 degrees 05 minutes 25 seconds East along the North line of said leased property and the South boundary of Municipal Way a distance of 241.24 feet(241.35-deed) to a found 1-inch iron pipe on the West right-of-way of Mabry Street; thence North 00

degrees 41 minutes 21 seconds West along the West right-of-way of Mabry Street for a distance of 80 feet to an intersection with the South right-of-way boundary of said Municipal Way and the POINT OF BEGINNING. From said POINT OF BEGINNING, thence South 88 degrees 05 minutes 25 seconds West along the North right-of-way boundary of said Municipal Way for a distance of 250.10 feet more or less to the Northeasterly boundary of a 60-foot wide perpetual drainage easement, recorded in Official Record Book 520, Page 188 of the Public Records of Leon County, Florida; thence North 66 degrees 53 minutes 40 seconds West along the Northeasterly boundary of said drainage easement for a distance of 63.70 feet; thence, leaving said drainage easement, North 00 degrees 41 minutes 21 seconds West for a distance of 116.87 feet; thence North 88 degrees 05 minutes 25 seconds East for a distance of 308.40 feet more or less to the Westerly right-of-way of said Mabry Street; thence South 00 degrees 41 minutes 21 seconds East for a distance of 143.81 feet to the POINT OF BEGINNING. Containing 1.00 acre, more or less.

(See 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. This ordinance shall become effective immediately upon its passage.

INTRODUCED by the City Commission on the 13th day of June, A.D., 2012.

PASSED by the City Commission on the ____ day of June A.D., 2012.

CITY OF TALLAHASSEE

By: _____
John R. Marks, III
Mayor

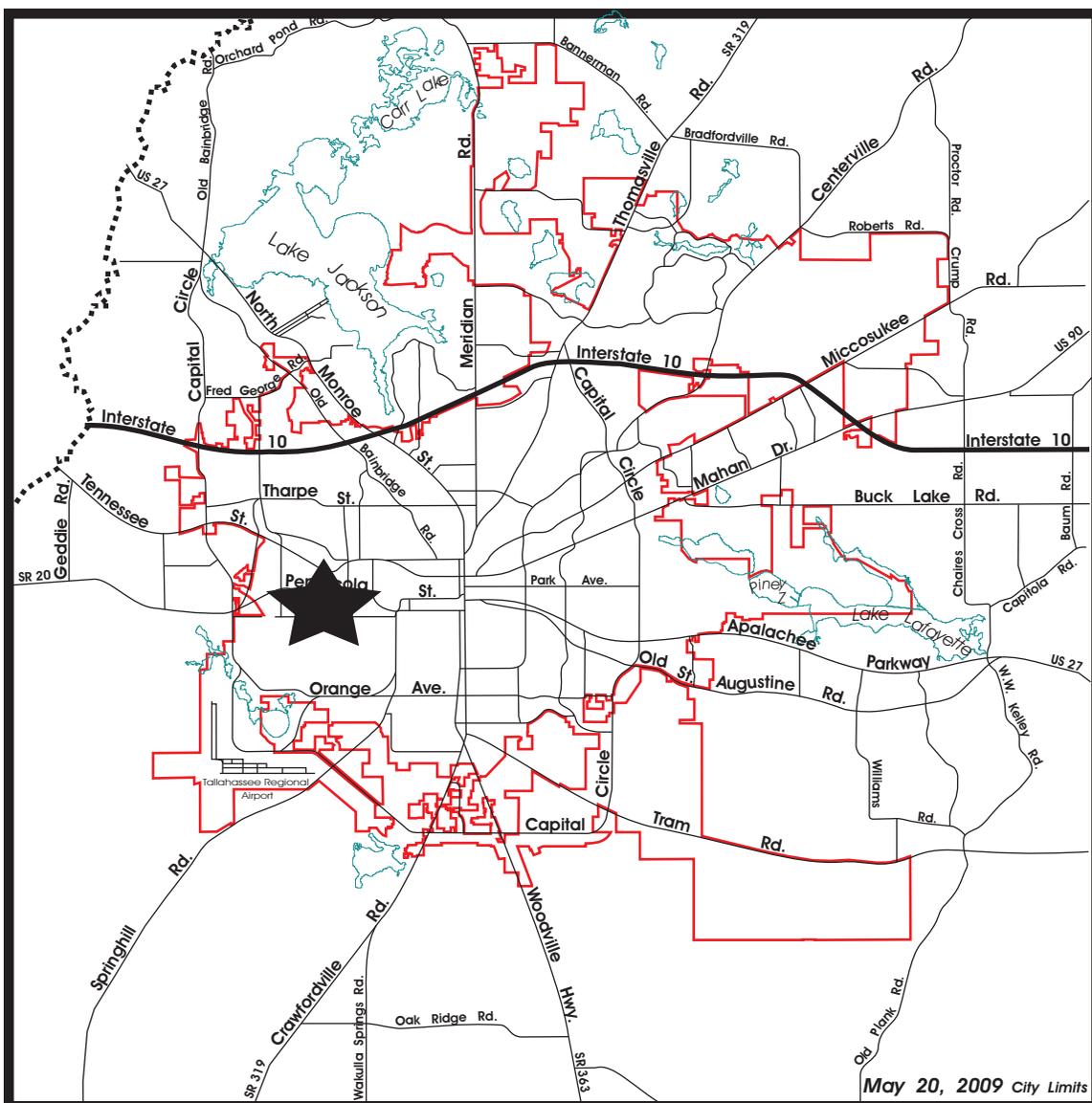
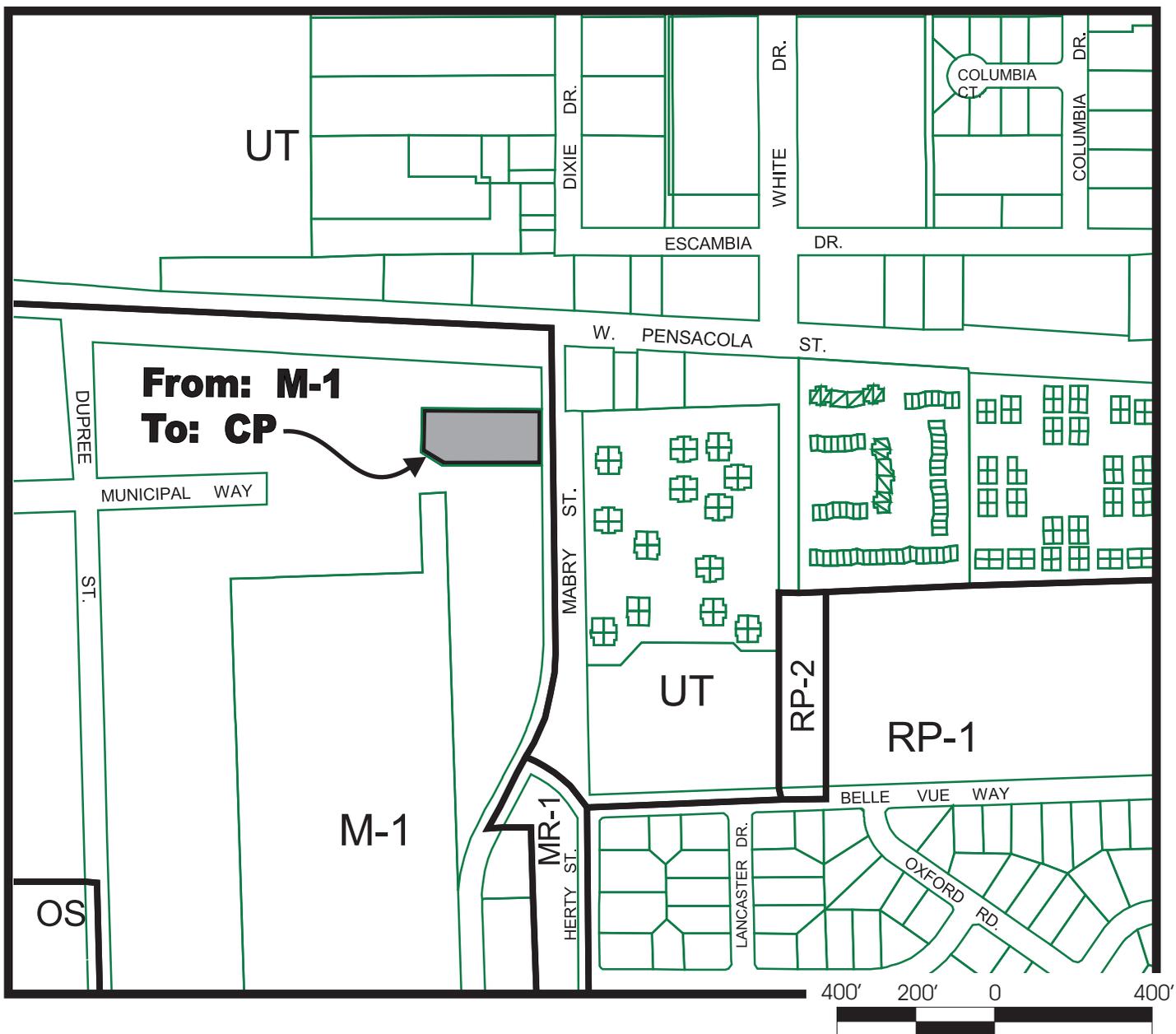
ATTEST:

APPROVED AS TO FORM:

By: _____
James O. Cooke
City Treasurer-Clerk

By: _____
James R. English
City Attorney

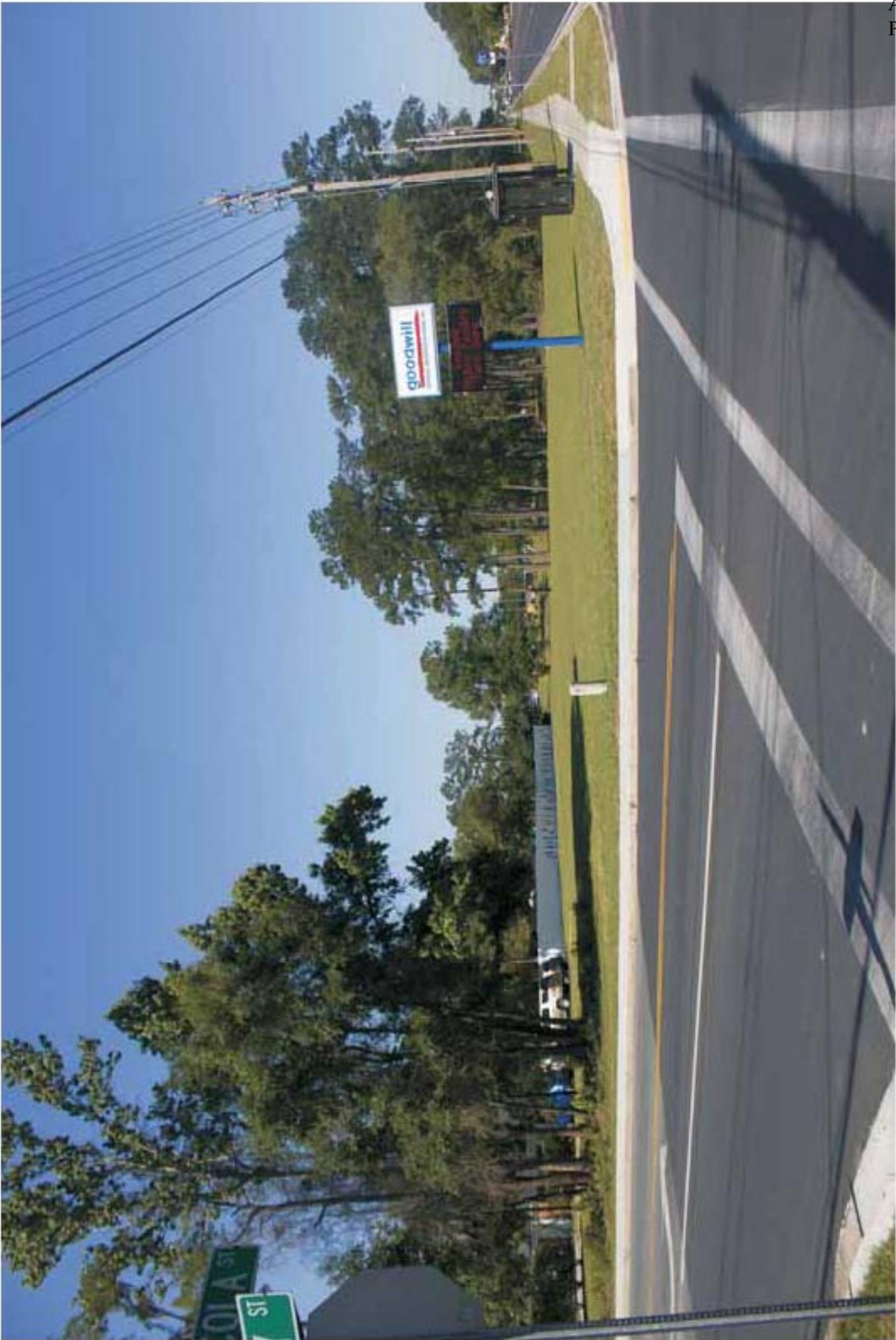
Exhibit A DICK HOWSER CENTER REZONING



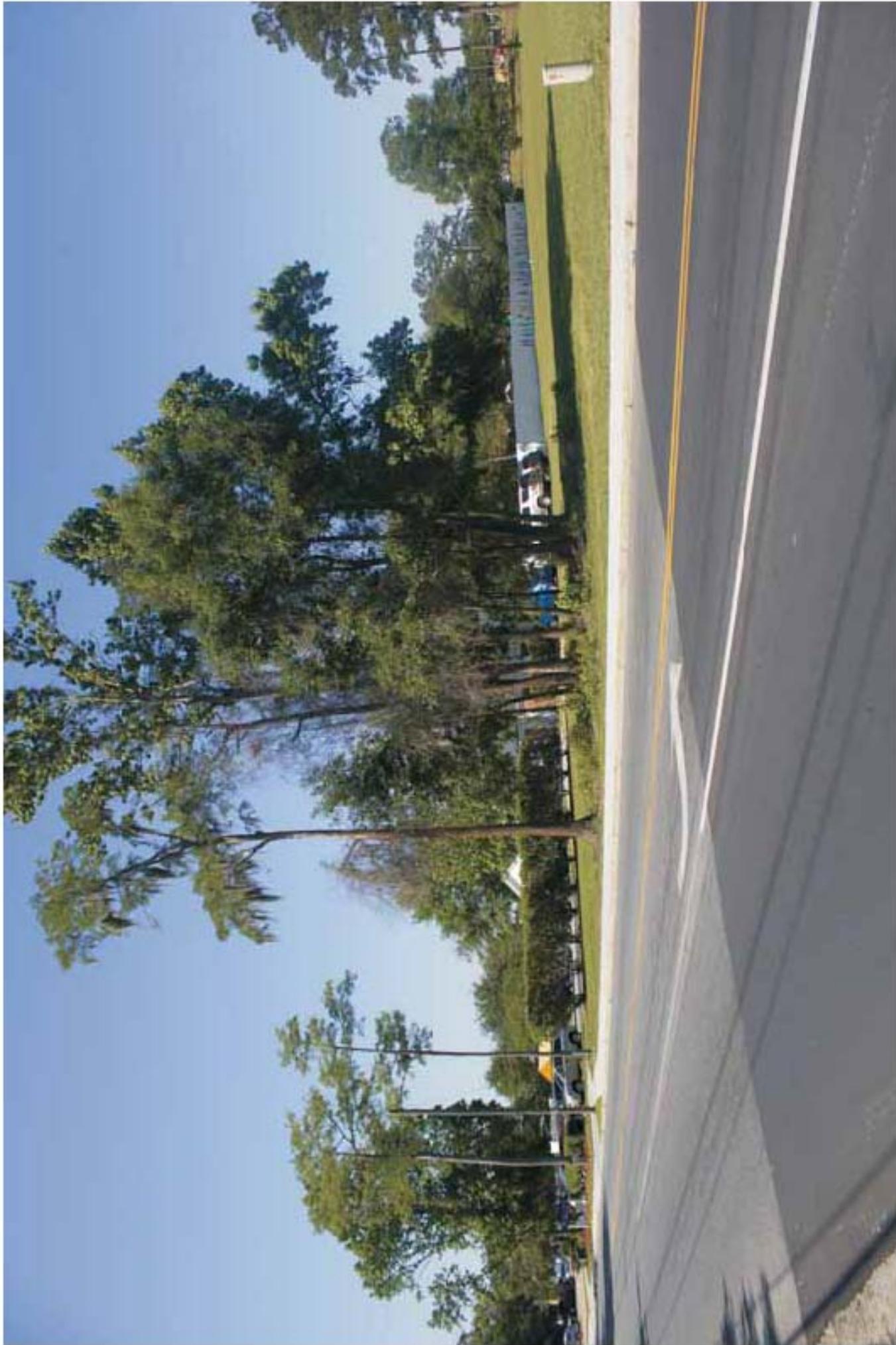
GENERAL LOCATION MAP



Looking west at the adjacent parcel north of the subject parcel.



Looking southwest at the adjacent parcel north of the subject parcel from the intersection of W. Pensacola Street and Mabry Street.



Looking southwest at the subject parcel.

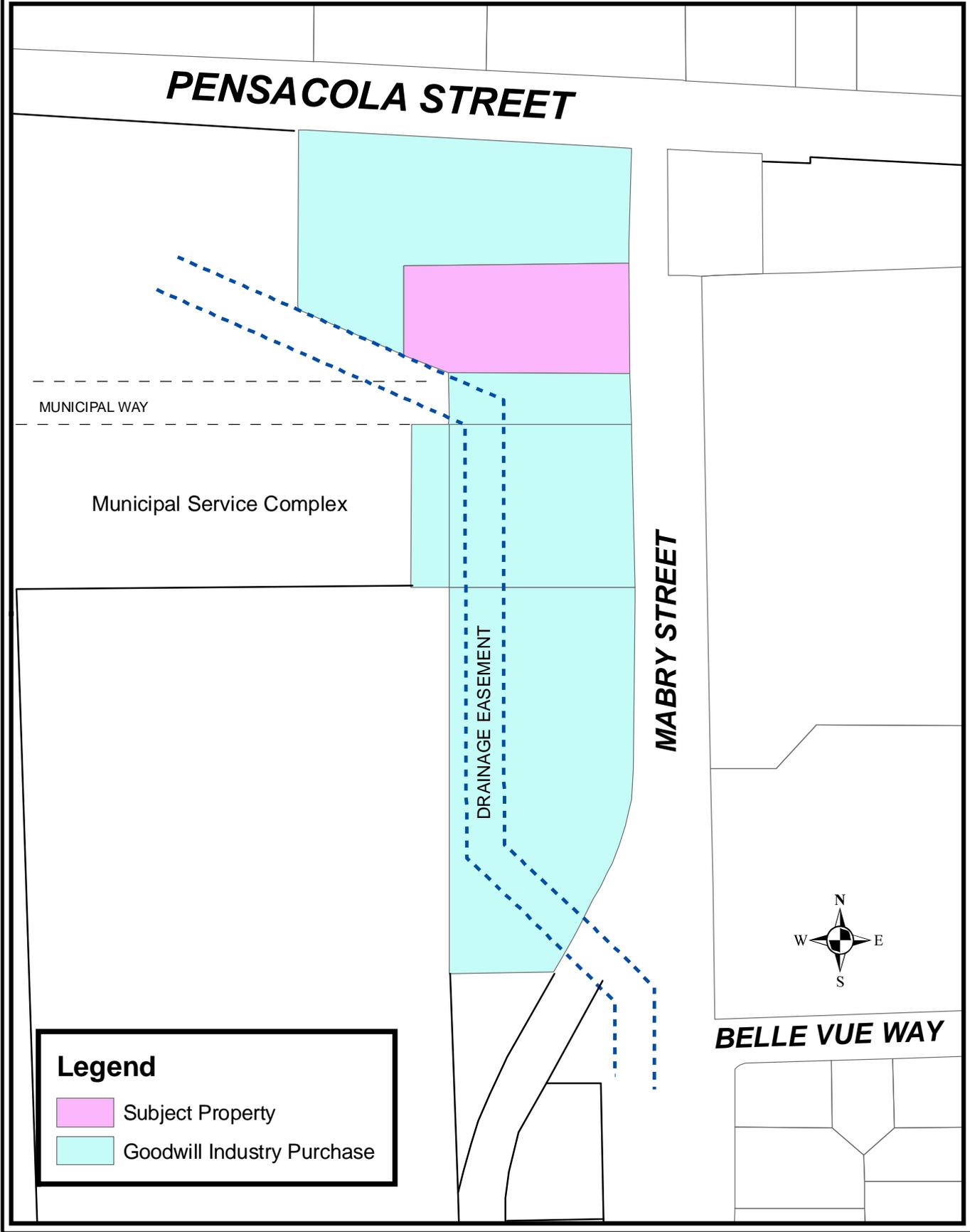


Looking southwest at the subject parcel.



Looking southwest at the subject parcel.

Subject Property and Goodwill Industry Purchase



Legend

-  Subject Property
-  Goodwill Industry Purchase

MAP AMENDMENT: PCM120101

APPLICANT: Goodwill Industries – Big Bend, Incorporated (Represented by Inovia Consulting Group)

TAX I.D. #: Portions of 21-33-20-801-000-0 and 21-33-20-403-000-0 (totaling 6.439 acres)

CITY X COUNTY

CURRENT DESIGNATION: Government Operational

REQUESTED DESIGNATION: Suburban

DATE: February 16, 2012, Updated March 16, 2012 (strikethrough/underline)

PRELIMINARY STAFF RECOMMENDATION:

Approve amendment PCM120101 to revise the land use designation to Suburban.

A. SUMMARY:

This is a request to change the Future Land Use Map designation from “Government Operational” to the “Suburban” category for approximately 6.439 acres for the Goodwill Industries Center on Mabry Drive. Goodwill Industries leases this acreage and now intends to purchase it from the City. The subject property houses Goodwill operations including a warehouse, storage buildings, and small retail store. Encompassed by the property is the .995 acre Dick Howser Center which is a service, support, and child care center for physically and mentally challenged youth. It is owned by the Dick Howser Center for Childhood Services, Inc. [a subsidiary of Goodwill Industries-Big Bend, Incorporated], and is already designated Suburban. Thus, it is not part of the proposed land use change. The existing Government Operational designation is intended for community services, infrastructure, and state and federal government facilities. The proposed Suburban category allows a range of uses including non-residential uses and higher density housing up to 20 dwelling units per acre and would accommodate the anticipated ownership transition from the City to a private entity.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The Future Land Use pattern in this area is consistent with the requested land use designation. The use would fit within the current Suburban, Commercial Parkway, and Central Urban uses along the Pensacola corridor.
2. The application for the Suburban land use category and Commercial Parkway zoning is appropriate because it would better reflect the existing and planned uses by Goodwill Industries; and it is located within the Urban Service Area having availability of infrastructure, including sewer services and mass transit.

C. APPLICANT’S REASON FOR THE AMENDMENT:

The Goodwill Industries’ agent initiated the proposed amendment because it is engaged in negotiating purchase for the property. The proposed Suburban land use would replace the current Government Operational land use to better accommodate the existing and planned land uses on the property.

D. STAFF ANALYSIS

Existing FLUM & Zoning

The 6.439 acre property has a current Future Land Use Map (FLUM) designation of Government Operational and a zoning designation of M-1. The area is within the City and the USA but is just outside the Multimodal Transportation District (MMTD).

Government Operational and M-1 Zoning

The existing Government Operational designation is intended for community services, infrastructure, and state and federal government facilities. The category contains facilities, which include those defined on the Land Use Development Matrix as Community Services, Light Infrastructure, Heavy Infrastructure, and Post-Secondary uses, that provide for the operation of and provision of services on property owned or operated by local, state and federal government. The government facilities may include services and uses provided by private entities operating on property owned by the local, state, or federal governments. There is no express limitation on the intensity for development of government operational facilities for either non-residential or residential uses.

The M-1 zoning is a Light Industrial District that is intended to be located in areas designated Suburban on the future land use map of the comprehensive plan and shall apply to urban areas with convenient access to transportation facilities, where light manufacturing, processing, storage, community and recreational facilities and other activities compatible with light industrial operations are permitted. The district is not intended to accommodate heavy industrial operations or to accommodate commercial or residential development which would restrict the principal light industrial operations. The zoning allows up to 20,000 square feet of gross building floor area for permitted uses and 50,000 square feet of gross building floor area per acre for storage areas within buildings or warehousing as a principal use. One residential unit per industrial use for a watchman or guard is allowed in the M-1 industrial zoning category.

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. Business activities are not intended to serve area residents only, and as a result, may attract shoppers from throughout larger portions of the community.

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 6.439 acres is 128 residential units and approximately 128,000 square feet of non-residential uses [calculated at 20,000 square feet per acre].

Commercial Parkway Zoning

The Commercial Parkway (CP) district is intended to be located in areas designated Suburban on the future land use map of the comprehensive plan and shall apply to areas exhibiting an existing development pattern of office, general commercial, warehouse, community facilities, and intensive automotive commercial development abutting urban area arterial roadways with high traffic volumes. The CP district is characterized by a linear pattern of development. The access management standards set forth in the CP district addressing limitations placed on access are intended to minimize and control ingress and egress to arterial roadways and to promote smooth and safe traffic flow of the general traveling public.

To encourage the benefits from mixed use development where residences are located in close proximity to the office and commercial uses allowed within the district including convenience and opportunity for residents and improved market access for business establishments, medium density multi-family residential development up to a maximum of 16 dwelling units per acre is allowed.

If a Commercial Parkway zoning is located within the MMTD, the current land use code requires implementation of MMTD design standards including zero lot lines, parking in the rear or side, and transparency of buildings.

Urban Services Area

The subject area is within the Urban Service Area (USA) established by Objective 1.1 of the Land Use Element of the Comprehensive Plan. This planning tool is intended to direct development to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and the service capacity to accommodate growth in an environmentally acceptable manner.

The USA was established by local government following the adoption of the comprehensive Plan in order to help Tallahassee and Leon County grow in a responsible manner by providing the economically feasible and efficient distribution of infrastructure necessary for development. The USA is also intended to protect surrounding forest and agricultural lands from unwarranted and premature conversion to urban land use. There are a number of policies that address the USA and the relationship between development and available capital infrastructure to support higher land use densities and

intensities. (Capital infrastructure is defined in the Comprehensive Plan as sewer and water, roads, mass transit, solid waste, drainage, and parks.) A listing of these policies includes:

- Policy 1.1.1[L] in the Land Use Element requires new development to be concentrated within the USA.
- Policy 1.1.2 [L] requires local government to provide capital infrastructure improvements within the USA over the planning horizon.
- Policy 1.1.5 [L] states that Future Land Use Map densities and intensities are intended to reflect the availability of capital infrastructure.
- Policy 1.1.7 [L] requires that higher density and mixed use development and its ancillary activities shall be channeled into locations which have proper access to the existing transportation system; minimal environmental constraints; sufficient stormwater treatment capacity; compatible existing land use and readily available sewer and water infrastructure.
- Policy 1.1.9 [L] stating that land use categories may include higher intensity requirements for nonresidential development.
- Policy 1.1.11 [L] states the urban service area as a growth management strategy is used to guide and coordinate land uses with the availability of infrastructure.

Additional Supporting Information

The application of the Suburban land use category is appropriate for this area because of the context of the amendment and the existing land use pattern. The area along the Pensacola Street corridor is a mixture of Central Urban, Suburban, Government Operational and Education Facilities. As mentioned above, the Dick Howser Center is already designated Suburban. The Suburban category, with its high density and intensity uses, is identical to those found on the north side of Pensacola adjacent to the government complex and is compatible with the higher densities and intensities found in the Central Urban designation. The Suburban land use category allows a number non-residential uses at 20,000 gsf per acre for a maximum of 200,000 square feet and allows up to 20 dwelling units per acre. Central urban is located primarily along major corridors and major universities; it allows up to 45 dwelling units per acre and a variety of non-residential uses that can be developed up to 200,000 gsf.

The zoning in this area is mixed including a number of commercial and residential zoning categories. Commercial Parkway zoning is found north of the Pensacola Street within the MMTD. The proposed Commercial Parkway zoning would be consistent with the existing zoning categories which include R-2, C-1, C-2, RP-1, RP-2, M-1, MR-1, and UT. The subject property is located on City land adjacent to a number of city operated offices and facilities, and a city park, Messer Fields. The current zoning for these uses is M-1 and OS.

The application for the Suburban Land Use Category and the Commercial Parkway zoning is appropriate for two reasons. One reason is that the property is currently designated Government Operational intended for local government services, facilities and infrastructure, and the property is currently being considered for sale to Goodwill Industries from the City. The current and intended use into the future is to maintain a donation center, retail and warehouse uses; it is not being used for local government infrastructure or services. Secondly, it is appropriate for this area because of its location within the USA, and it is consistent with those policies listed above that address development within the USA. Based on the availability of infrastructure, the area within the USA is intended for greater densities and intensities over the planning horizon. Sufficient water and sewer capacity exists to serve the subject property.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:1. Environmental Features:

This approximately 6.439 acre amendment is an already developed site. Currently there is one easement to support drainage. The property includes part of a small area identified as a 100-year floodplain. There are no other known environmentally sensitive features 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: In analyzing the impact from the proposed land use amendment, staff notes that a significant level of development is currently allowed under the existing Government Operational and M-1 zoning designations. The land use would currently allow up to 50,000 square feet of gross building floor area per acre for storage areas within buildings or warehousing as a principal use or 20,000 sf of gross building floor area per acre for light industrial uses generating approximately 124 peak hour trips. In comparison, the suburban category would allow 64 units (presuming 50% residential at 20 du/acre) for 71 peak hour trips and 64,000 gsf of non-residential use (presuming 50% non-residential at 20,000 gsf per acre) for a potential of 238 peak hour trips for an intense commercial use such as a shopping center. The land use change results in a theoretical net increase of 185 peak hour trips. Segments of adjacent Pensacola street west of Appleyard Drive are projected to operate below the adopted level of service by 2015. Planned improvements are included in the Significant Benefit Table in the Capital Improvements Element which includes a plan for a \$40M improvement to Pensacola Street, and thus there is a planned strategy to address the anticipated roadway deficiency. Staff also notes that achievement of the maximum peak hour trips could only occur through redevelopment as a majority of the parcel is already built with a child care and Goodwill donation center which is anticipated to remain and be expanded with additional storage and retail.

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: The Tall Timbers Transit route runs east and west bound along Pensacola Street. There are also two transfer stations at the intersection of Pensacola and Appleyard that serve the Canopy, Forest and Tall Timbers routes. These facilities are able to serve the subject property.

Bicycle/Pedestrian Facilities Availability: Sidewalks exist along east and west bound Pensacola Street and along the northbound side of Mabry Street. No bicycle lanes are present; however, the Leon County Mobility Plan identifies a bicycle lane on the north side of west Pensacola Street.

4. Schools:

The area under consideration is within the following public school districts: Sabal Palm Elementary, Nimms Middle, and Godby High. The School District staff has examined the plan amendment information and has identified potential student generation and resulting capacity.

<i>School Name</i>	<i>Sable Palm Elementary</i>	<i>Nims Middle</i>	<i>Godby High</i>
Potential Students Generated	29	12	13
Present Capacity	24	536	300
Post Development Capacity	-5	524	287

The figures in the table above are preliminary calculations provided by School Board staff based on the maximum residential development allowed in the Suburban future land use category for the entire 7.4 acre Goodwill parcels. Staff does not identify comments with exceeding the elementary capacity for several reasons. One reason is that the calculation of maximum theoretical residential uses does not take into the existing condition of the site as it is mostly already developed. Second, some overestimation of units generating students occurred due to not factoring in the required mixed of uses for new development and using a slightly higher acreage associated with the entire site rather than that subject to the land use amendment. Finally, where elementary capacity is exceeded, the current system allows consideration of available capacity at adjacent facilities at the development review stage. The current adjacent facilities include Astoria Park, Pineview, Bond, and Riley Elementary Schools with a combined available capacity of 539 seats based on the 2011/2012 Florida Inventory of School Houses as reported in the Five-Year District Facilities Workplan. This number would more than accommodate the five seats needed at the elementary level. The school board and planning staff also recognize that the final school concurrency calculations will be conducted in the future when a site plan for proposed development is submitted.

5. 5-Year Capital Improvements Projects:

There are currently bike lane and signal improvements as well as pedestrian improvements for Pensacola Street in the Capital Improvements Schedule. Additionally the Significant Benefit facilities program identifies widening Pensacola Street from Appleyard Drive to Capital Circle as a major improvement.

F. VESTED / EXEMPT STATUS: Not Applicable

G. CONCLUSION:

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

1. The Future Land Use pattern in this area is consistent with the requested land use designation. The use would fit within the current Suburban, Commercial Parkway, and Central Urban uses along the Pensacola corridor.
2. The application for the Suburban land use category and Commercial Parkway zoning is appropriate because it would better reflect the existing and planned uses by Goodwill Industries; and it is located within the Urban Service Area having availability of infrastructure, including sewer services and mass transit.

Based on this analysis and its conclusions, Planning Department staff recommends changing the area of the subject property currently designed as Government Operational to Suburban.

H. ATTACHMENTS:

None.

Policy 2.2.5: [L]

SUBURBAN (*Effective 3/14/07*)

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, if possible within walking distance. This category recognizes the manner in which much of Tallahassee-Leon County has developed since the 1940s. 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, 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 shall comply with the Suburban Intensity Guidelines. Business activities are not intended to be limited to serve area residents; and as a result may attract shoppers from throughout larger portions of the community.

Comparison of Existing and Proposed Permitted Uses

Comparison of Existing and Proposed Permitted Uses		
Permitted Uses	Zoning Districts	
	M-1	CP-1
Antique shops		X
Armored truck services	X	X
Assembly of apparel and accessories	X	
Automotive sales and rental (any kind)		X
Automotive service and repair, including car wash	X	X
Automobile—retail, parts, accessories etc.		X
Banks and other Financial Institutions		X
Bait and Tackle shops		X
Bottling Plants	X	
Broadcast Studios	X	X
Building contractors and related serves	X	X
Camera and Photography store		X
Cemeteries	X	X
Communications and utilities	X	
Cocktail lounges and bars		X
Commercial kennels		X
Vocational schools and police/fire stations	X	
Community Facilities including libraries, religious facilities, charitable donation stations, schools prohibited. Others facilities in accordance with Section 10-413		X
Crematoriums	X	
Distribution facilities	X	
Day care center		X
Dry cleaning plants	X	
Food processing, excluding slaughter	X	
Golf Courses	X	X

Comparison of Existing and Proposed Permitted Uses		
Permitted Uses	Zoning Districts	
	M-1	CP-1
Gift, novelty and souvenir shops		X
Gun firing ranges indoor	X	
Hotels and Motels, including bed and breakfast	X	X
Heavy Infrastructure	X	
Indoor amusements (bowling, billiards, skating, etc.)		X
Indoor theatres (including amphitheaters)		X
Laboratories; research and development activities	X	
Laundromats, laundry, dry cleaning pick-up stations		X
Lawn or tree removal services	X	X
Manufacturing (light industrial)	X	
Mailing services		X
Medical and dental offices, labs and clinics		X
Manufactured homes sales lots		X
Mortuaries		X
Motor vehicle fuel sales		X
Motor vehicle racing tracks, go carts etc		X
Non-medical offices and services, including businesses and government	X	X
Non-store retailers		X
Nursing Home, including other residential care facilities		X
Off-Street Parking	X	X
Passive and active recreation	X	X
Pest Control services	X	
Pawn Stores		X
Personal Services		X
Pest control services		X
Pet Day Care Centers		X
Photocopying and duplication services		X
Printing and publishing	X	
Recreational vehicle park		X
Rental and sales of dvds, video tapes and games		X

Comparison of Existing and Proposed Permitted Uses		
Permitted Uses	Zoning Districts	
	M-1	CP-1
Rental tools, small equipment, party supplies		X
Repair service, non-automotive	X	
Residential, multi-family		X
Residential, any type, located on or above the second floor of any structure containing non-residential development on the first floor.		X
Restaurants, with or without drive-in facilities		X
Retail caskets and tombstones		X
Retail bakery		X
Retail computer, video, record, electronics		X
Retail department, apparel, and accessory stores		X
Retail drug store		X
Retail florist		X
Retail food and grocery		X
Retail furniture, home appliances, accessories		X
Retail home/garden supply, hardware, nurseries		X
Retail jeweler		X
Retail needlework shop and instruction		X
Retail newsstand, books, greeting cards		X
Retail office supplies		X
Retail optical and medical supplies		X
Retail package liquors		X
Retail pet stores		X
Retail picture framing		X
Retail sporting goods and toys stores		X
Retail trophy stores		X
Self-moving operation		X
Retail shoes, luggage and leather products		X
Sign shops		X
Social, fraternal, and recreational clubs/lodges, including assembly halls		X
Studios for photography, music, art, drama, voice		X
Tailoring		X

Comparison of Existing and Proposed Permitted Uses		
Permitted Uses	Zoning Districts	
	M-1	CP-1
Towing, wrecking and recovery service	X	X
Trailer sales and service		X
Transportation, freight handling services	X	
Veterinary service, including veterinary hospital		X
Warehouses, mini-warehouses, or self-storage facilities.	X	X
Waste tire and disposal	X	
Welding and machine shops	X	
Wholesale activities	X	
Wholesale building supplies	X	

*See Attachment #: §10-260 M-1 Light Industrial, 10-258 CP Commercial Parkway district charts.

Section 10-260 M-1 Light Industrial

PERMITTED USES	
1. District Intent	2. Principal Uses
<p>The M-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 urban areas with convenient access to transportation facilities, where light manufacturing, processing, storage, community and recreational facilities and other activities compatible with light industrial operations are permitted. The district is not intended to accommodate heavy industrial operations or to accommodate commercial or residential development which would restrict the principal light industrial operations.</p>	<p>(1) Armored truck services. (2) Assembly of apparel and accessories. (3) Automotive service and repair, including car wash. (4) Bottling plants. (5) Broadcasting studios. (6) Building contractors and related services. (7) Cemeteries. (8) Communications and utilities. (9) Vocational schools and police/fire stations. (10) Crematoriums. (11) Distribution facilities. (12) Dry cleaning plants. (13) Food processing, excluding slaughter. (14) Golf courses. (15) Gun firing ranges (indoor). (16) Heavy infrastructure (maintenance yards, motor pools, airports, land fills, sewage treatment plants, etc.). (17) Laboratories; research and development activities. (18) Lawn and tree removal services. (19) Manufacturing (consistent with the definition of light industrial).</p>
3. Accessory Uses	
<p>(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. The 33 percent limitation does not apply to outdoor storage that is accessory to a permitted principal use. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the Land Use Administrator. (3) Residential use (intended for watchman or guard not to exceed 1 dwelling unit per industrial use). (4) Outdoor storage (without the 33 percent limitation), provided it complies with Section 7 below.</p>	
DEVELOPMENT STANDARDS (continued on page 2 of 2)	
4. Minimum Lot or Site Size	5. Minimum Building Setbacks
a. Lot or Site Area	a. Front
none	25 feet
b. Lot Width	b. Side-Interior Lot
none	none
c. Lot Depth	c. Side-Corner Lot
none	25 feet
d. Rear	6. Maximum Building Restrictions
10 feet	a. Building Size (excluding gross building floor area used for parking)
10 feet	10,000 square feet of gross building floor area per parcel
b. Building Height (excluding stories used for parking)	b. Building Height (excluding stories used for parking)
3 stories	20,000 square feet of gross building floor area per acre, 50,000 square feet of gross building floor area per acre for storage areas within buildings or warehousing as a principal use.
3 stories	3 stories

FOR ADDITIONAL DEVELOPMENT STANDARDS, REFER TO PAGE 2 OF 2

<p style="text-align: center;">DEVELOPMENT STANDARDS (continued from page 1 of 2)</p> <p>7. Criteria for Outdoor Storage: Outdoor storage is permitted as an accessory use to a permitted principal use (without the 33 percent limitation) if the outdoor storage area is screened with an opaque material (an opaque material may include vegetation). The opacity requirements are as follows: 100 percent along any property line that adjoins an existing residential use; 80 percent along any property line that adjoins any other type of use other than residential (commercial, office, etc.) or a street right-of-way. The determination of the adequacy of the opaque material will be evaluated at the time of permitting.</p> <p>9. Street Vehicular Access Restrictions: Properties in the M-1 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 if one of the following zoning districts is located on the other side of the local street: R-A, R-1, R-2, R-3, R-4, R-5, MH, MR-1, RP-1, RP-2, RP-MH, RP-UJ, and RP-R.</p> <p>10. Additional Criteria and Restrictions for Pet Day Centers: Outside boarding and unsupervised outside activity are prohibited. In the event that a pet day care center abuts a residential property, the center shall not exceed an L10 noise level of 60 as measured on the property line abutting the Center. Hours of operation for Pet Day Care Centers shall be 6:00 A.M. to 9:00 P.M. Indoor overnight boarding of pets is permitted.</p>
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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. For cluster development standards, refer to Section 10-426.

Sec. 10-258. CP Commercial Parkway District

The following applies to CP Commercial Parkway District:

PERMITTED USES		
<p>1. District Intent</p> <p>The CP district is intended to be located in areas designated Suburban on the future land use map of the comprehensive plan and shall apply to areas exhibiting an existing development pattern of office, general commercial, community facilities, and intensive automotive commercial development abutting urban area arterial roadways with high traffic volumes. The CP district is most suitable for those areas outside of the Multimodal Transportation District (MMTD) as described in the comprehensive plan. Additional CP inside the MMTD may only be designated when the existing land use pattern is mostly comprised of single use developments with suburban character as described in the Suburban Future Land Use Category. The CP district is characterized by a linear pattern of development. Residential development up to a maximum of 16 dwelling units per acre is permitted. There is no minimum gross density for residential when developed in conjunction with non-residential land uses. However, for all other residential developments, a minimum gross density of 6 dwelling units per acre shall be required, unless constraints of concurrency or preservation and/or conservation features preclude the attainment of the minimum densities. The access management standards set forth in for the CP district addressing limitations placed on access are intended to minimize and control ingress and egress to arterial roadways and to promote smooth and safe traffic</p>	<p>2. Principal Uses</p> <p>(1) Antique shops. (2) Armored truck services. (3) Automotive sales and rental (includes any type of motor vehicle including boats and motorcycles). (4) Automotive service and repair, including car wash. (5) Automotive--retail, parts, accessories, fires, etc. (6) Bait and tackle shops. (7) Banks and other financial institutions. (8) Broadcasting studios. (9) Building contractors and related services, without outdoor storage. (10) Camera and photographic stores. (11) Cemeteries. (12) Cocktail lounges and bars. (13) Commercial kennels. (14) Community facilities, including libraries, religious facilities, vocational schools, police/fire stations, and charitable donation stations. Elementary, middle, and high schools are prohibited. Other community facilities may be allowed in accordance with section 10-413. (15) Day care centers. (16) Gift, novelty, and souvenir stores. (17) Golf courses.</p>	<p>3. Accessory Uses</p> <p>(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.</p>
<p>(18) Hotels and motels, including bed and breakfast inns. (19) Indoor amusements (bowling, billiards, skating, etc.). (20) Indoor theaters (including amphitheaters). (21) Laundromats, laundry and dry-cleaning pickup stations. (22) Lawn or tree removal services. (23) Mailing services. (24) Medical and dental offices, services, laboratories, and clinics. (25) Manufactured home sales lots. (26) Mortuaries. (27) Motor vehicle fuel sales. (28) Motor vehicle racing tracks, go-carts, etc. (29) Nonmedical offices and services, including business and government offices and services. (30) Nonstore retailers. (31) Nursing homes and residential care facilities. (32) Off-street parking facilities. (33) Outdoor amusements (golf courses, batting cages, driving ranges, etc.) (34) Passive and active recreational facilities. (35) Pawnshops. (36) Personal services (barber shops, fitness clubs, etc.).</p>		

PERMITTED USES			
1. District Intent	2. Principal Uses	3. Accessory Uses	
<p>Flow of the general traveling public. Reuse of existing single use sites for multiple use developments, adding new uses to single use sites and/or multiple use developments in the CP district that share parking facilities, have parking structures and/or have high floor area ratios are encouraged in the CP district.</p> <p>New CP districts in the Suburban FLUM category shall have access to arterial or major collector streets.</p> <p>Development standards for properties located within the MMTD are established within Division 4 of this Code.</p>	<p>(37) Pest control services. (38) Pet day care centers. (39) Photocopying and duplicating services. (40) Printing and publishing. (41) Recreational vehicle park. (42) Rental and sales of dvds, video tapes and games. (43) Rental of tools, small equipment, or party supplies. (44) Repair services, nonautomotive. (45) Residential, multi-family. (46) Residential, any type, provided it is located on or above the 2nd floor of a structure containing non-residential development on the first floor. (47) Restaurants, with or without drive-in facilities. (48) Retail bakeries. (49) Retail caskets and tombstones. (50) Retail computer, video, record, and other electronics. (51) Retail department, apparel, and accessory stores. (52) Retail drug store. (53) Retail florist. (54) Retail food and grocery. (55) Retail furniture, home appliances and accessories. (56) Retail home/garden supply, hardware and nurseries. (57) Retail jewelry stores. (58) Retail needlework and instruction. (59) Retail newsstand, books, greeting cards.</p>	<p>(60) Retail office supplies. (61) Retail optical and medical supplies. (62) Retail package liquors. (63) Retail pet stores. (64) Retail picture framing. (65) Retail sporting goods, toy stores. (66) Retail trophy stores. (67) Self-moving operation. (68) Retail shoes, luggage, and leather products. (69) Sign shops. (70) Social, fraternal and recreational clubs and lodges, including assembly halls. (71) Studios for photography, music, art, drama, voice. (72) Tailoring. (73) Towing, wrecking, and recovery services. (74) Trailer sales and service. (75) Veterinary services, including veterinary hospitals. (76) Warehouses, mini-warehouses, or self-storage facilities. (77) Other uses which, in the opinion of the land use administrator, are of a similar and compatible nature to those uses described in this district and provided the use is not specifically permitted in another zoning district.</p>	

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)
Multiple-Family Dwellings	10,000 square feet	80 feet	100 feet	15 feet	15 feet on each side	15 feet	25 feet	not applicable	4 stories
Residential located on or above the 2nd floor of a multi-use structure	none	none	none	25 feet	none	25 feet	10 feet	not applicable	4 stories
Any Permitted Principal Use	none	none	none	25 feet	none	25 feet	10 feet	25,000 s.f. of building floor area per acre and commercial and office uses not to exceed 200,000 s.f. of gross building floor area per parcel, 50,000 s.f. of building area per acre for permitted land uses number (73) warehouses, mini-warehouses, or self-storage facilities as listed in the permitted uses table above. In multi-use structures, residential uses do not count towards this floor area total.	4 stories
<p>7. <i>Access Management Criteria</i> (In case of a conflict with the provisions of other ordinances or regulations, the most strict provisions shall apply):</p> <p>a.) All roadways:</p> <ol style="list-style-type: none"> 1. On all city roadways, the city's spacing standards for driveway access, medians, and signals per roadway class type shall prevail. 2. On all county roadways, the county's spacing standards for driveway access, medians, and signals per roadway class type shall prevail. 3. On all state arterial roadways, the FDOT's spacing standards for driveway access, medians, and signals, as outlined in the FDOT Access Management Classification System shall prevail. Exceptions to the FDOT Access Management Standards include the following: <ol style="list-style-type: none"> a. Existing driveway access for Capital Circle as of December 31, 1995; and Properties on Capital Circle which were granted single driveway permits by FDOT on or before December 31, 1995, which have sole access to Capital Circle and do not have other street access. <p>b.) All new commercial development shall construct a vehicular interconnection to adjacent properties that have an existing commercial use. Interconnections shall be required to adjacent vacant properties which are zoned for commercial use. The vehicular interconnections shall be constructed with material consistent with constructed or proposed vehicular use areas. Location of such interconnections shall be approved by the traffic engineer and constructed prior to issuance of a certificate of occupancy. Required interconnections between properties and/or to a private or public roadway shall be placed in a cross access easement acceptable by</p>									

DEVELOPMENT STANDARDS

the city attorney. Exemptions to and deviations from the interconnection requirements of this section shall be approved by the parking standards committee.

8. *Street Vehicular Access Restrictions:* Properties in the CP zoning district may have vehicular access to any type of street. However, in order to protect residential areas and neighborhoods from nonresidential traffic, vehicular access to a local street is prohibited if one of the following zoning districts is located on the other side of the local street directly across from where the vehicular access point is proposed: 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.

9. *Noise Source Restrictions:* In the event that a property zoned CP abuts a residential property, the noise source of the CP zoned property shall not exceed at L10 noise level of 60 dBA in the daytime (7:00 a.m. to 10:00 p.m.) and an L10 noise level of 50 dBA in the night time (10:00 p.m. to 7:00 a.m.) as measured on the property line abutting the source.

10. *Lighting Standards:* In the event that a property zoned CP abuts a residential property, the night time lighting of the CP zoned property shall meet the following standards: night time lighting shall not exceed 0.5 vertical surface foot candle measured at the property line six feet above grade. Lighting standards shall not exceed 20 feet in height and shall have recessed bulbs and filters which conceal the source of illumination. No wall or roof mounted flood-lights or spot-lights used as general grounds lighting are permitted. Security lighting is permitted.

11. *Additional Criteria for Pet Day Care Centers:* Outside boarding and unsupervised outside activity are prohibited. Hours of operation for pet day care centers shall be 6:00 a.m. to 9:00 p.m.

12. *Additional Criteria for Charitable Donation Stations:* Such station shall have indoor storage for all donations, and shall have an attendant available during normal business hours responsible for the collection and/or storage of said donations. A "charitable donation station" is considered a community service/facility regulated by section 10-413 of this Code.

General Notes:

1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and nonresidential 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, pertaining to environmental management, for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
3. Refer to chapter 4, pertaining to concurrency management, for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).
4. For cluster development standards, refer to section 10-426.

SCHOOL IMPACT ANALYSIS FORM

**Site and Development Plan/Rezoning, Comp Plan Amendments & PUD's
FOR RESIDENTIAL PROJECTS ONLY**

Project Name: Dick Howser Center Agent Name: Wade Pitt, Inovia Consulting Inc. Applicant Name: Dick Howser Center Address: 240 Mabry Street, Tallahassee, FL	Date 12/02/2011 Telephone: 850-298-4213 Fax: Email:
---	--

① **Location of the proposed project:**
Tax ID #: 21-33-20-413-0000
Property address: 240 Mabry Street, Tallahassee, FL
Related Application(s) [if applicable]: N/A
Level of Review [See PUV, if Applicable]:

② **Future Land Use Map category and Zoning designation:**
Future Land Use Map category:
 Zoning district: From Light Industrial (M-1) to Commercial Parkway (CP)

③ **Development Specifics:**
Number of proposed dwelling units: 16
Type(s) of dwelling units, (provide # for each type, e.g. single family & multi-family):
Single and Multi-Family Residential
Base square footage of dwelling units: not none at this time

Leon County Schools staff use only:

④ **School concurrency service areas (attendance zones) in which property is located.**

	<i>Elementary-Sabal Palm(3)</i>	<i>Middle-Nims (1)</i>	<i>High-Godby (1)</i>
Present capacity	<u>24</u>	<u>536</u>	<u>300</u>
Post Development capacity	<u>21</u>	<u>535</u>	<u>299</u>

Is additional coordination with Leon County Schools necessary? ___ Yes X* No

- Calculated as Single Family less than 1000 NSF. Will need to re-evaluate once number of each type of unit is established.

This form is required by §8.3 of the Public School Concurrency and Facility Planning Interlocal Agreement as adopted on September 1, 2006 by the City of Tallahassee, Leon County, and Leon County School Board. Pursuant to §6.4 of the Agreement, the City or County will transmit the School Impact Analysis Form to a designated employee of the School Board for review at the same time the application is submitted to all departments for review.



Publish this 2 col. by 7 3/4 inches

PUBLIC HEARING
City of Tallahassee
City Commission
June 26, 2012 - 6:00 p.m.
County Commission Chambers
Fifth Floor - Leon County Courthouse



GENERAL LOCATION MAP

REZONING

1. Project Name: (PRZ#110023) Dick Howser Center

Ordinance: 12-Z-07

Agent: Inovia Consulting Group

From: M-1 (Light Industrial)

To: CP (Commercial Parkway)

Acreage: 1.0 ±

Parcel ID#: 21-33-20-413-0000

This property is located on the west side of Mabry Street approximately 170 feet south from the intersection of West Pensacola Street and Mabry Street.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinances and resolutions.

The applications, ordinances and resolutions are on file at the Tallahassee-Leon County Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida and may be reviewed between 8:00 A.M. and 5:00 P.M. For further information please call 891-6400.

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least three (3) working days prior to the hearing. The phone number for the Florida Relay TDD Service is 1-800-955-8771.

CityAd062612

ATTACHMENT #7

Citizen Comments

Sullivan, Sherri L.

From: Hodges, Steven M
Sent: Friday, May 11, 2012 4:19 PM
To: CMP_PLN_AMND
Subject: FW: Brody Road and Conservation Easement
Attachments: Letter from St. Fran#6A7DDB.jpg

-----Original Message-----

From: David Todd [mailto:david@bellandtodd.com]
Sent: Friday, May 11, 2012 4:01 PM
To: Mike Poplin; brandon; Brandon@millermark.biz
Cc: Hodges, Steven M; Bryant, Cherie (Planning); theRevPatricia@aol.com
Subject: Brody Road and Conservation Easement

Hi Mike and Brandon,

I know a lot was discussed last night and much had a strong emotional charge. But I don't want that emotion to obscure the necessary conversation that can lead to a good solution for everyone. And I do want to apologize for my inappropriate language.

I have also attached the letter from the St. Francis Episcopal Church that I forgot to bring and read last night. It emphasizes a point that I think did not come through clearly enough. And that is that the development on Brody Rd is being opposed not just by residents in the neighborhood but by the entire congregation of the Church.

Even more important, this part of the development is also opposed by several City and County Commissioners who have said they will not approve the Developers Agreement and thus the Comp. Plan Amendment, if development happens on Brody Rd. They think that what you gain by getting the apartments on Fred George should more than make up for what you give up on Brody Rd.

County Commissioner Akinyemi restated the position yesterday that he said on the record in the last Public Hearing: he will not support development on Brody Road. Also, the idea of opposing this part of the development did not come initially from the neighborhood. It came out of a discussion with a City Commission who took a look at the conceptual drawing you supplied at the first Developer's Agreement meeting. This Commissioner said it was too dangerous to build off of Ashby Hill Road. We only adopted this position after speaking with this Commissioner.

We understand that you don't want to give up your right to develop that 6 acres without getting something in return. Many feel that getting the up-zoning for the remainder of the property is sufficient to make up for what you might lose in developing Brody Rd. Also, the infrastructure costs for Brody Rd. will be much higher per unit than for the other section of the property. Commissioners wondered if you can really do better than merely break even for this part of the development. The only way you will find out the answer to that question is by spending a great deal of money on infrastructure before you can begin to sell lots/units. That seems like a big risk in this economy.

All of this is why we have given you a way out of taking that risk and a way to recoup your investment in those 6 acres. This is the Conservation Easement that we have discussed with you. We have mentioned this possibility to officials in both the City and the County. They have all responded enthusiastically. They understand that seeking a Conservation Easement is a process between you and us. It does not involve the City or the County. But they see it as a win for both the City and the County, if these acres can be preserved and Brody Rd is not developed.

I spoke a second time to Kevin McCorty at Tall Timbers about putting these acres into an Easement. He said that because the acreage is between the Canopy road and the unusual environmental feature of the steep-head ravine, that it was highly qualified for a Conservation Easement. He said that they have secured several Easements along Canopy Roads because acreage adjacent to these protected roads automatically qualify.

But the biggest obstacle to finding a conservation buyer is not locating a person or business who would be willing to purchase the land, it is getting a reasonable asking price from you. You may need to give up the idea of making much of a profit from these acres. You should just try to recoup most of your costs. Let most of profit come from the other part of the property. Nobody who is going to buy this property out of a concern for the environment and public safety is going to want to feel like the asking price is unreasonable.

When I told a local architect yesterday that your asking price is \$360k for six acres, he said, "That's ridiculous." If he feels that way, so will potential buyers. I don't know as much about local real estate prices as this architect, but I do know that \$360 is almost what you paid for the entire property. And that was in 2005 when property values were much higher than they are now. If I know this, so will a potential buyer.

Selling off this part of the property could be a much better decision for you than trying to develop it, even in a reduced way as we discussed last night. Your agreement to sell this acreage to a conservation buyer could make all of the opposition in the neighborhood, Church, City and County go away. This could be the only way you can be certain the Comp Plan Amendment passed. Additionally, it would gain you a lot of good will with the community and local government. If you guys really look at how much grief and time and money it would save you to sell rather than develop these acres, I think you will see that it will be well worth it to lower your asking price.

Just come up with a realistic price that will attract the right buyer, and Bonnie and I will start looking for a buyer. There may be those in the City and County that would also lend a hand. One City Commissioner's aide said yesterday that the City would be thrilled by this land going into a Conservation Easement. He suggested that we also pursue a grant to purchase the acreage. He offered to sit down and coach us on applying for one. This is a second path we could follow to find the funds to buy you out.

Along with "sharpening your pencil" on how you might build less on Brody Rd, please also sharpen your pencil on your asking price for these six acres. Not only is this a more workable option for you, it is likely the only one that will get all of the interested parties to sign on. And it certainly the easiest option for you to pursue.

Sincerely,

David



st. francis of assisi episcopal church

3413 OLD BAINBRIDGE ROAD
TALLAHASSEE, FLORIDA 32303

PH. (850) 562-1595
FAX (850) 562-8638

May 4, 2012

The Clergy and Vestry (Governing Board) of St. Francis of Assisi Episcopal Church strongly object to any new building that uses Ashby Hills Rd. for access. The intersection at Ashby Hills and Old Bainbridge Rd. is the main entrance to the church grounds. It is already the site of many accidents and near accidents.

We also have a concern about water runoff with new development . We have a large retaining area and a ditch that runs through the entire seven acres of our property. With heavy storms, both areas fill and are unable to handle the water flow.

Thank you for your consideration.

The Rev. Patricia Sheppard
Priest in Charge

Suzanne Harrell
Senior Warden

"A Spirit filled community proclaiming Jesus as Lord!"

Sullivan, Sherri L.

From: Hodges, Steven M
Sent: Friday, May 11, 2012 4:18 PM
To: CMP_PLN_AMND
Subject: FW: Brody st.

From: Sweat, Lon [<mailto:sweatl@leonschools.net>]
Sent: Friday, May 11, 2012 9:43 AM
To: 'Brandon@millermark.biz'
Cc: Hodges, Steven M; 'david@bellandtodd.com'
Subject: Brody st.

Brandon and Mike,

I was thinking last night about the AARP article and “thinking outside the box”.

What about a Fl. Cracker vernacular construction style w/ sisterns for roof run- off. I am thinking of Marjorie Kinnan Rawlings and or Jimmy Carter’s boyhood home.

It might be built reasonably w/ light colored metal roofs with gutters plumbed to cisterns and Hardiboard siding. This might lessen stormwater infrastructure.

My son, Aaron Sweat, graduated from FAMU Architecture School and had a paid year long internship w/ Lake Flato in San Antonio TX. He is working w/ a firm in Austin now.

<http://www.floridastateparks.org/marjoriekinnanrawlings/>

<http://www.lakeflato.com/>

Lon
339-4910

Sullivan, Sherri L.

From: webmaster@talgov.com
Sent: Friday, April 27, 2012 3:16 PM
To: CMP_PLN_AMND
Subject: 2012-1 Comprehensive Plan Amendment Comments

2012-1 Comprehensive Plan Amendment Comments

- **Amendment:** PCM120102-Map
- **First Name:** Marisol
- **Last Name:** Roberts
- **Street Address:** 3710 Dorset Way
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32303
- **Email Address:** marisolroberts@gmail.com
- **Comments:** The proposed development would significantly change the traffic flow on either Fred George or Old Bainbridge Rd. The planning dept. statement that "This urban node is continuing to develop and intensify, and there is a rudimentary sidewalk system in place along portions of Highway 27 that is being slowly augmented as redevelopment continues." IS totally off base, as there is no contiguous sidewalk in this area. From that piece of property one cannot walk to a store, church or the public library, without walking on the road way. The only crosswalk for pedestrians is at the Old Bainbridge and Fred George intersection. Changing this to higher density housing would not be beneficial to the community.

Sullivan, Sherri L.

From: Hodges, Steven M
Sent: Friday, June 01, 2012 10:22 AM
To: CMP_PLN_AMND
Subject: FW: PCM120102 Development Agreement

From: Philip Hill [<mailto:pnkhill2000@yahoo.com>]
Sent: Thursday, May 31, 2012 3:50 PM
To: Hodges, Steven M
Subject: Re: PCM120102 Development Agreement

Steve,

Thank you for this information. We look forward to the opportunity to read the proposed agreement.

As the Planning Department reviews the agreement, is this your opportunity to make suggested changes before it even is posted for the public? If so, we request that you please consider making certain that the buffer is the maximum possible. We certainly would not wish to see it decreased from the legal requirement that exists without an agreement.

Thank you,

Phil and Norma Hill
329-7716

From: "Hodges, Steven M" <Steven.Hodges@talgov.com>
To: Bonnie Bell <bonnie@gaiastarworld.com>; Brandon Miller <brandon@millermark.biz>; Brian Dennis <brian1bow@aol.com>; Courtney Feehrer <cofeeh@gmail.com>; David Todd <david@gaiastarworld.com>; Jim Cavanagh <jim.cavanagh@med.fsu.edu>; Lon Sweat <sweatl@leonschools.net>; Mike Poplin <southeastportablebuildings@yahoo.com>; Nathan Hurst <nhurst@gmail.com>; Phil & Norma Hill <pnkhill2000@yahoo.com>; Reverend Patricia Sheppard <TheRevPatricia@aol.com>
Cc: "Bryant, Cherie (Planning)" <Cherie.Bryant@talgov.com>; "Wiebler, Brian T." <Brian.Wiebler@talgov.com>; "Manning, Roxanne" <Roxanne.Manning@talgov.com>
Sent: Thursday, May 24, 2012 5:24 PM
Subject: PCM120102 Development Agreement

An application for a proposed development agreement, as allowed by Sections 163.3220-163.3243 in Chapter 163, Florida Statutes, has been submitted to the City of Tallahassee by the owners of the subject parcel addressed by Cycle 2012-1 Proposed Amendment #PCM120102. The City Attorney's Office, as well as other affected City departments (e.g., Planning, Public Works, Growth Management), will review this draft development agreement, and will schedule the two mandatory public hearings on this development agreement.

Section 163.3225, F.S., requires a Notice of intent to consider a development agreement be advertised approximately seven days before each public hearing in a newspaper of general circulation and readership in the county where the local government is located. A Notice of intent to consider a development agreement shall also be mailed to all affected property owners before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

Furthermore, the notice shall specify the location of the land subject to the development agreement, the development uses proposed on the property, the proposed population densities, and the proposed building intensities and height, and shall specify a place where a copy of the proposed agreement can be obtained.

Staff will need some time next week to review this proposal and to schedule the public hearings. If anyone has any questions, please submit them in writing to me (preferably, but I can also be reached by phone) and staff will try to answer them as time permits.

Steve

Stephen M. Hodges, AICP

Senior Planner

Comprehensive/Environmental Planning

Renaissance Center

435 N. Macomb Street

Tallahassee, Florida 32301

850.891.6408 work

850.891.6404 fax

stephen.hodges@talgov.com

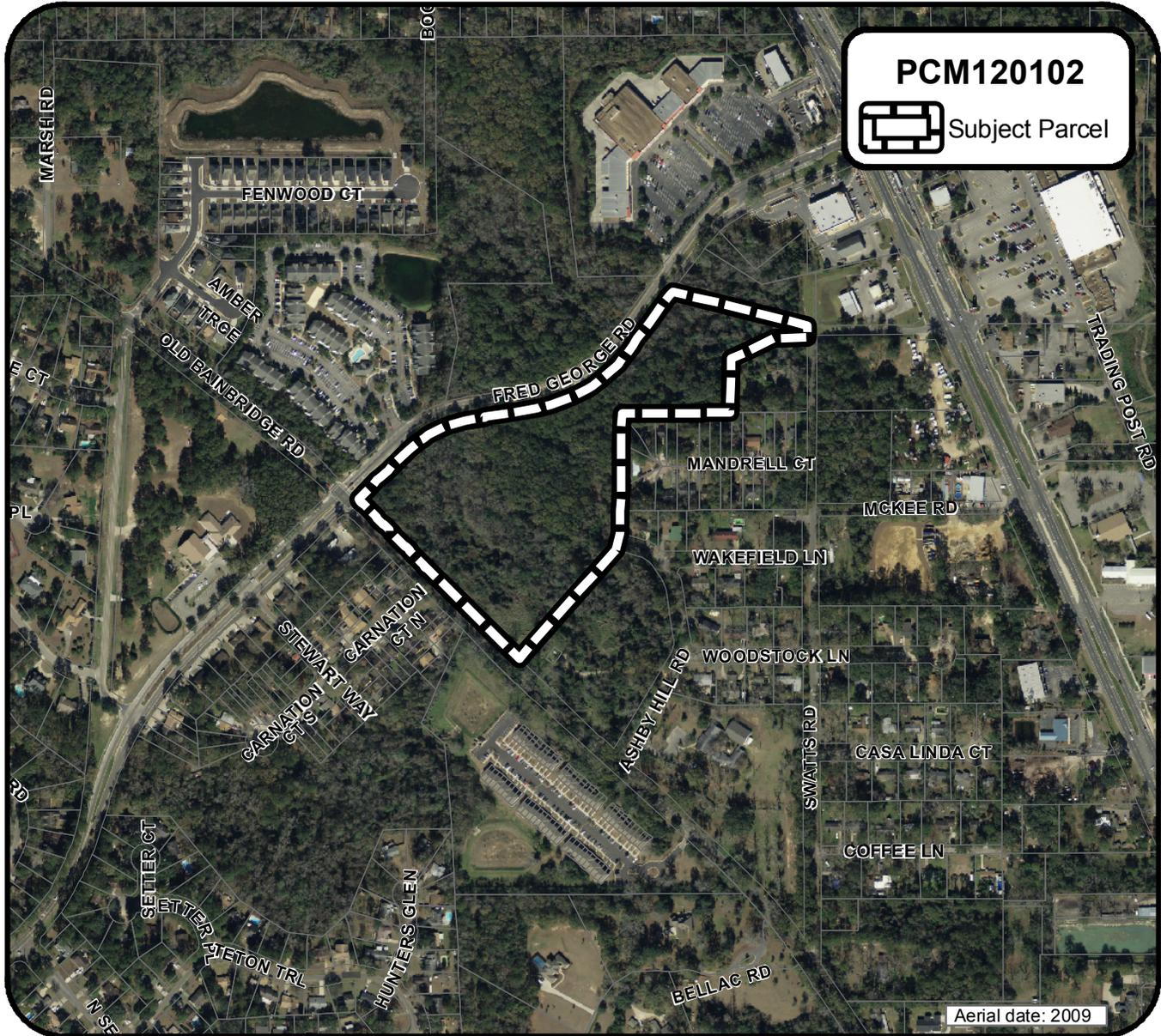


ATTACHMENT #8

Updated Staff Reports

Remove old version of report and replace with updated version

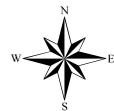
- PCM120102 - Fred George Road and Old Bainbridge Road – Reserve at Stony Creek, LLC
- PCM120103 - 9th Avenue and Thomasville Road – Marshall R. Cassedy Jr.
- PCM120104 - Interstate-10 and Mahan Drive - Devoe Moore
- PCT120105 - Urban Service Area based Development of Regional Impact Exemption Area at I-10 and Mahan Drive – Devoe Moore



General Location Map

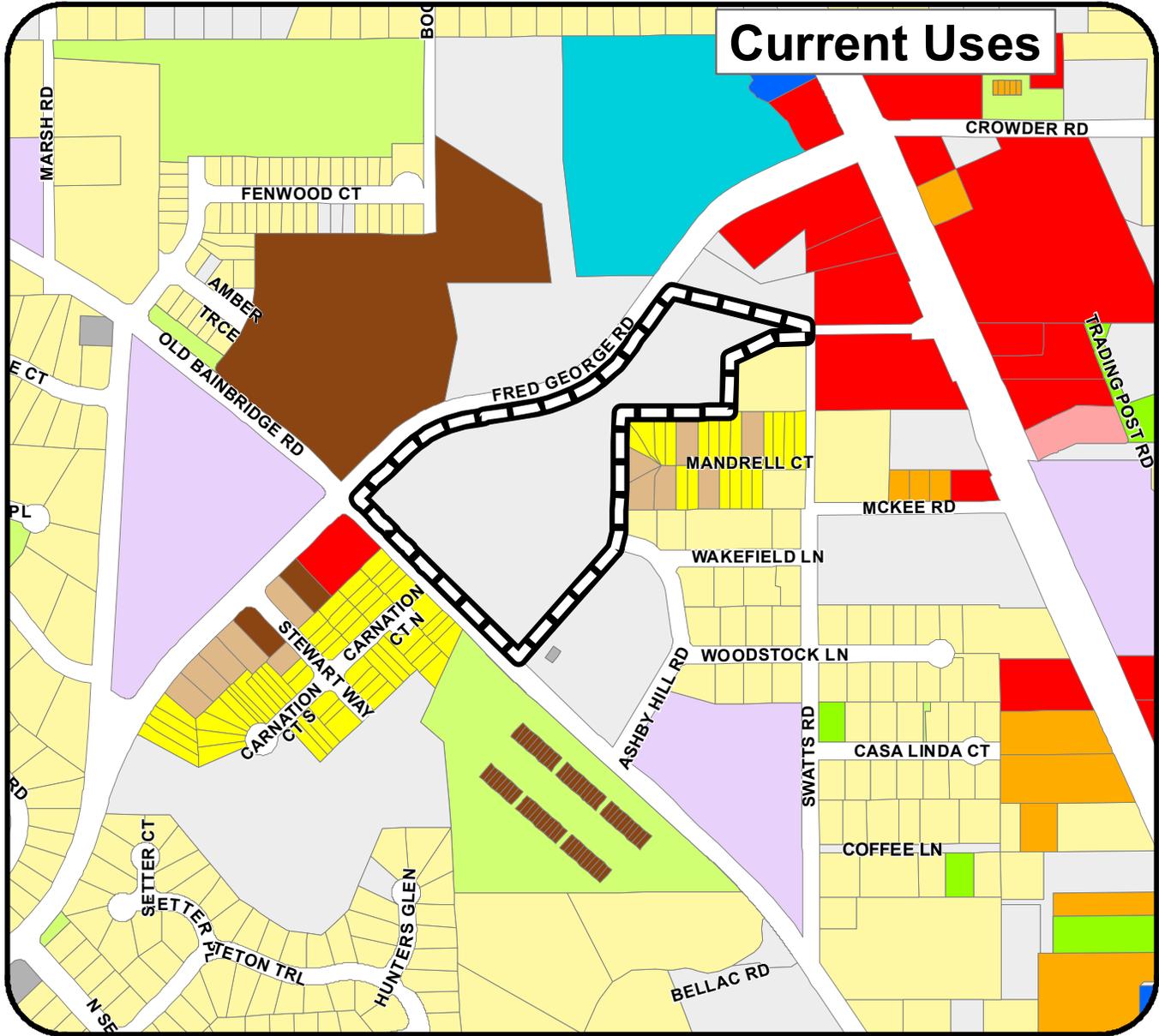


AMENDMENT PCM120102 LOCATION



SITE TAX ID:
21-09-20-001-0000

ACRES: 15.7 ±



Legend



Subject Parcel

Current Uses (Oct. 2011)

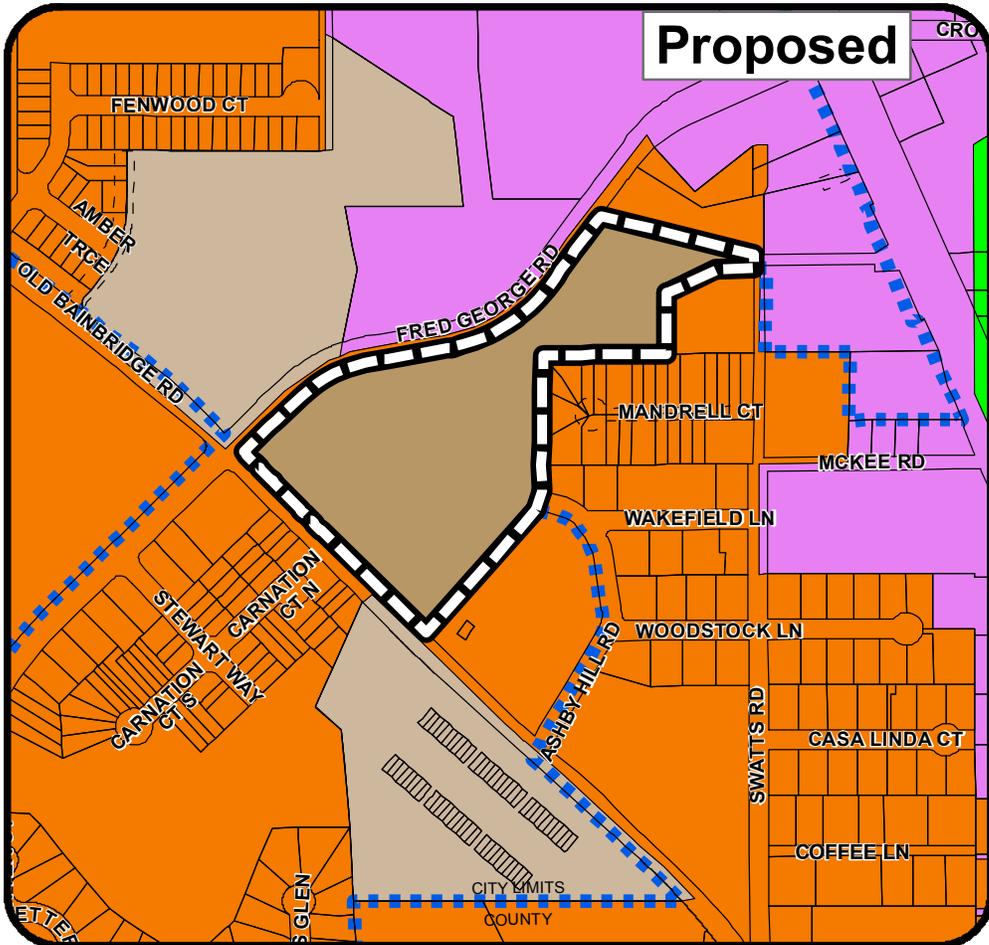
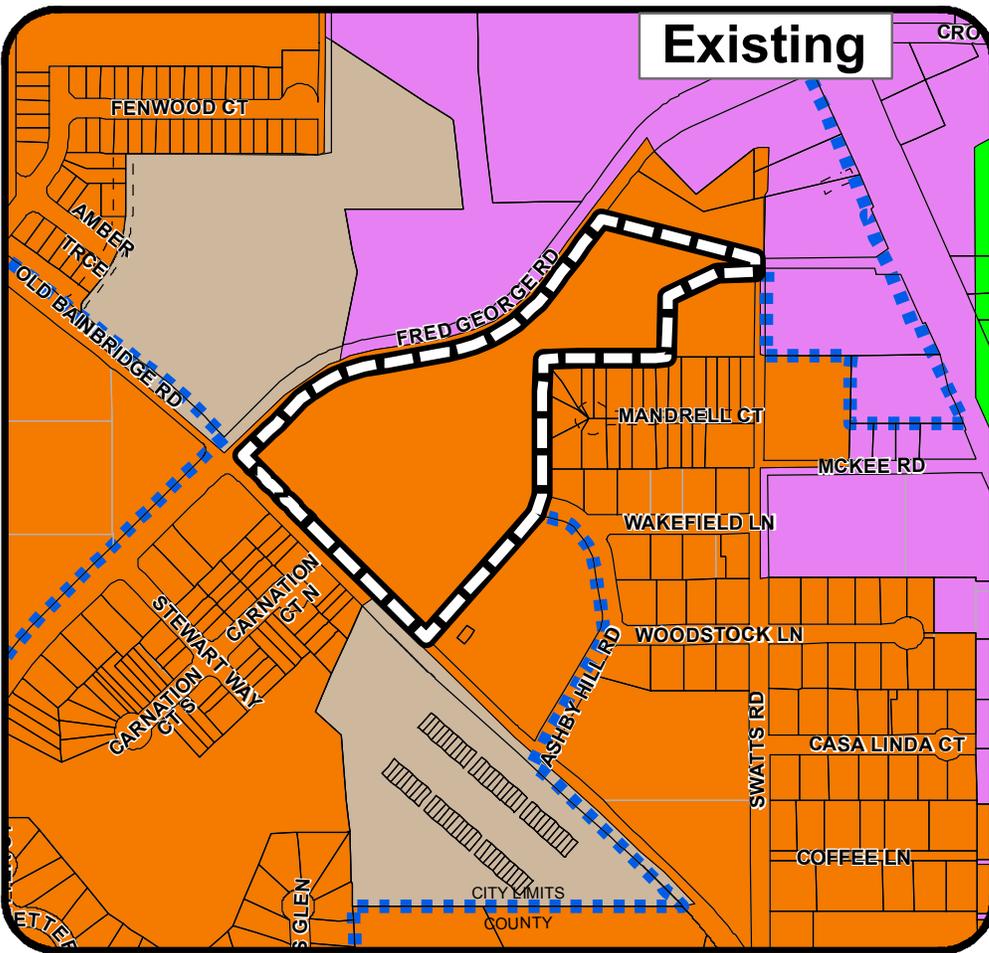
- | | |
|------------------------------------|---|
| Single Family Detached/Mobile Home | Religious/Non-profit |
| Single Family Attached | Government Operation |
| Two-Family Dwelling | School |
| Multi-Family | Open Space Common Areas |
| Motel/Hospital/Clinic | Open Space Resource Protection |
| Retail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

AMENDMENT PCM120102 LOCATION

**SITE TAX ID:
21-09-20-001-0000**

ACRES: 15.7 ±





Future Land Use

Legend

-  Lake Protection
-  Residential Preservation
-  Suburban
-  Urban Residential
-  Urban Residential 2



Subject Parcel

AMENDMENT PCM120102 LOCATION

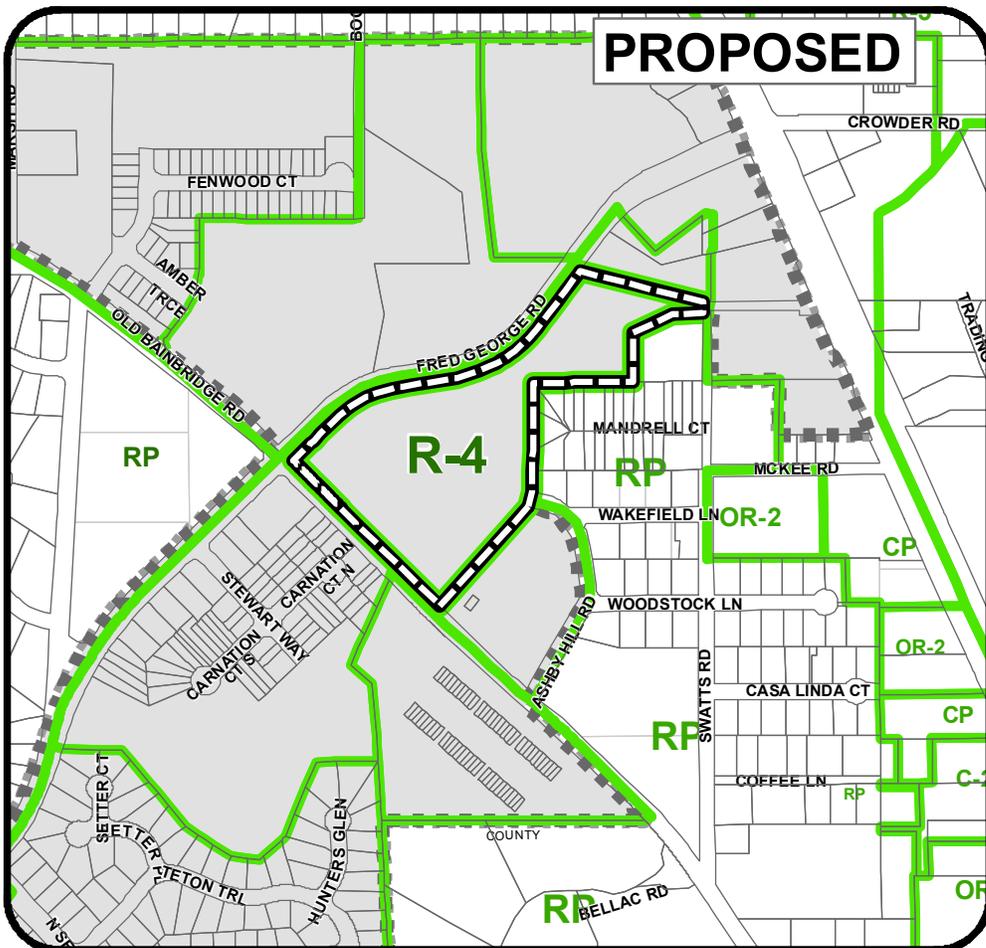
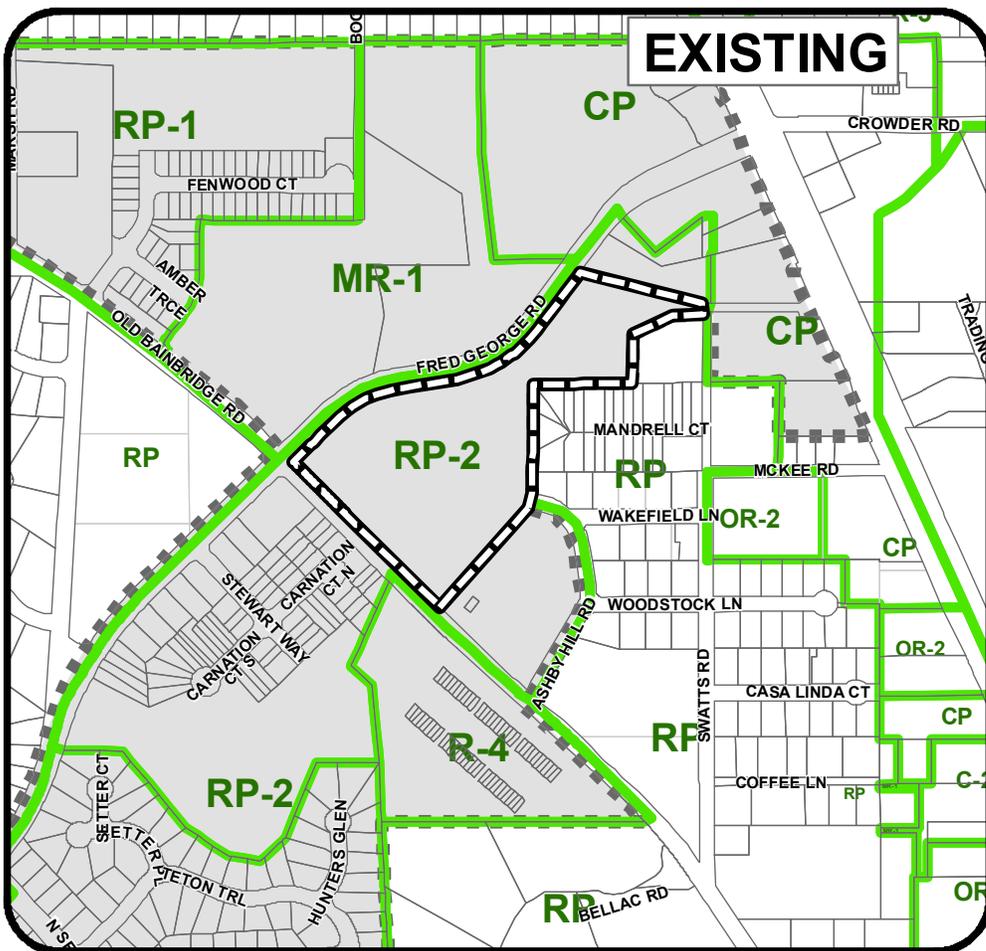
Existing
Residential Preservation

Proposed
Urban Residential

SITE TAX ID:
21-09-20-001-0000

ACRES: 15.7 ±





ZONING

Legend

 Subject Parcel

 City Limits

 zoning

AMENDMENT PCM120102 LOCATION

Existing
Residential Preservation 2

Proposed
Residential 4

SITE TAX ID:
21-09-20-001-0000



MAP AMENDMENT: PCM120102**APPLICANT: Reserve at Stony Creek, LLC****TAX I.D. #: 21-09-20-001-0000 (20.3 acres)****CITY X COUNTY****CURRENT DESIGNATION: Residential Preservation****REQUESTED DESIGNATION: Urban Residential****DATE: February 16 2012, Updated March 28, 2012, Updated June 15, 2012
(~~strikethrough/underline~~)**

PRELIMINARY STAFF RECOMMENDATION: ~~Approve~~ Continue the Joint Adoption Public Hearing for Amendment PCM120102 to October 24, 2012 in City Hall. Staff continues to recommend approval subject to a development agreement that would address noise, light, visual buffering and access issues to minimize impacts to the adjacent residential neighborhood. The recommendation to continue the adoption hearing is intended to provide the time needed to complete the development agreement and necessary public hearings. If the development agreement cannot be finalized prior to the adoption hearing, then recommendation would be for denial.

1. SUMMARY:

This is a request to change the Future Land Use Map designation from “Residential Preservation” to the “Urban Residential” category for a vacant ~~20.3~~ 15.7 acre portion of a single parcel on the southeast corner of the intersection of Fred George Road and Old Bainbridge Road. The existing land use category allows single-family housing up to six dwelling units per acre. The proposed Urban Residential category allows higher density housing up to 10 dwelling units per acre (with a minimum of four dwelling units per acre), including townhouses, single-family detached, two- family and multiple-family dwelling units, as well as community facilities related to residential uses.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The Future Land Use pattern in this area is consistent with the requested land use designation. The subject property is located adjacent to a four-lane divided County road that is adjacent to a mix of Suburban and Urban Residential 2 land use designations. These two land use categories both allow a maximum 20 dwelling units/acre.
2. The subject property is within the Urban Service Area (USA). The application of a more intense land use category and similar zoning category is appropriate for this area because of its location within the USA and because of the immediate availability of urban infrastructure, including sewer service and mass transit. The area within the USA is

intended for greater densities and intensities over the planning horizon based on the availability of infrastructure.

3. The subject property is within 300' of the intersection of Highway 27 and Fred George Road, which is an emerging urban node. Such nodes can be characterized by a mix of higher intensity services, more dense housing choices, easy access to mass transit, and increased walkability made possible by an interconnected sidewalk system.

C. APPLICANT'S REASON FOR THE AMENDMENT:

The applicant previously submitted a site plan for 25 single-family homes in 2005. However, following changes in the local housing market in the mid- to late 2000s, the proposed site plan was deemed infeasible. The applicant has stated a desire to increase the density and intensity of allowed residential development in order to be able to fund the required infrastructure.

The applicant, following several formal and informal meetings and other communications with adjacent residents as part of this amendment cycle, requested the removal of approximately 4.8 acres from the subject property. This area is located adjacent to Ashby Hill Road, in between Old Bainbridge Road and a large natural steephead ravine in the western half of the property.

D. STAFF ANALYSIS

Existing FLUM & Zoning

The subject parcel is within the City of Tallahassee and has a current Future Land Use Map (FLUM) designation of Residential Preservation and a zoning designation of Residential Preservation – 2. This area is characterized by a mix of Suburban, Urban Residential 2, and Residential Preservation land uses.

It was also part of the Huntington Woods Development of Regional Impact (DRI). This DRI was rescinded pursuant to Section 380.115(1)(b), Florida Statutes via Resolution No. 10-R-33 as voted by the City Commission on June 23, 2010. The resolution stated that this DRI is deemed essentially complete, and that all required mitigation has also been completed. The remaining parcels that were originally part of this DRI are therefore not required to mitigate their impact up to that which they were vested with as part of this rescission. The vested development for the subject parcel is 25 single-family homes. These homes have not been built on the subject parcel.

Residential Preservation Land Use

The Residential Preservation 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.

Residential Preservation 2 Zoning

The RP-2 Zoning District applies to residential development in areas designated "Residential Preservation" on the Future Land Use Map. The intent of this zoning category is to preserve identified areas low density residential character of single-family, two-unit townhouse, and duplex residential development, protect them from incompatible land uses, and prohibit residential densities in excess of six (6.0) dwelling units per acre.

Proposed Land Use and Zoning

Urban Residential Land Use

The primary intent of the Urban Residential land use category, applied only within the Urban Services Area, is to encourage infill development, reducing urban sprawl, and maximize the efficiency of infrastructure by allowing medium density housing (4-10 dwelling units per acre).

The Urban Residential category allows townhouses, single-family detached, two-family, and multiple-family dwelling units as well as community facilities related to residential uses. Urban Residential may serve as a transition category between lower density residential categories and more intensive development such as higher density residential and/or office land uses or major roadways where alternative modes of transportation are available to support the increased residential densities.

This category is not intended to be applied within the interior of an existing neighborhood. Because the subject property is located along Old Bainbridge Road and Fred George Road, this prohibition does not apply.

The maximum residential density within the Urban Residential land use category is 10 dwelling units/acre, and the minimum is 4 dwelling units/acre.

Urban Residential Zoning

The Residential-4 (R-4) district is intended to be located in areas designated Urban Residential, Urban Residential 2, or Suburban on the Future Land Use Map of the Comprehensive Plan. These areas contain or are anticipated to contain a wide range of single-family, two-family, and multi-family housing types. The maximum gross density allowed for new residential development in the R-4 district is 10 dwelling units per acre with a minimum gross density of 4 dwelling units per acre, unless constraints of concurrency or preservation and/or conservation features preclude the attainment of the minimum densities.

R-4 zoning districts are intended to achieve densities consistent with urban development and to promote infill development. Certain community and recreational facilities related to residential uses are also permitted. This district may serve as a transition between low and higher density residential, office development, collector and arterial streets. The district is not intended to be applied within the interior of an existing development. Non-

residential uses shall be compatible in scale and design with adjoining residential neighborhoods.

Based on the requested land use designation and zoning for the area under consideration, it is anticipated that a maximum of 157 residential dwelling units may be allowed. However, based on the significant environmental constraints on the property, this maximum number may not be achievable.

Urban Services Area

The subject parcel is within the City of Tallahassee and the existing Urban Services Area (USA). The USA is established by Objective 1.1 of the Land Use Element of the Comprehensive Plan. This planning tool is intended to direct development to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and the service capacity to accommodate growth in an environmentally acceptable manner.

The USA was established by local government following the adoption of the Comprehensive Plan in order to help Tallahassee and Leon County grow in a responsible manner by providing the economically feasible and efficient distribution of infrastructure necessary for development. The USA is also intended to protect surrounding forest and agricultural lands from unwarranted and premature conversion to urban land use.

There are a number of policies that address the USA and the relationship between development and available capital infrastructure to support higher land use densities and intensities. (Capital infrastructure is defined in the Comprehensive Plan as sewer and water, roads, mass transit, solid waste, drainage, and parks.) A listing of these policies includes:

- Policy 1.1.1 [L] in the Land Use Element requires new development to be concentrated within the USA.
- Policy 1.1.2 [L] requires local government to provide capital infrastructure improvements within the USA over the planning horizon.
- Policy 1.1.5 [L] states that Future Land Use Map densities and intensities are intended to reflect the availability of capital infrastructure.
- Policy 1.1.7 [L] requires that higher density and mixed use development and its ancillary activities shall be channeled into locations which have proper access to the existing transportation system; minimal environmental constraints; sufficient stormwater treatment capacity; compatible existing land use and readily available sewer and water infrastructure.

Reasons for Proposed Map Amendment Recommendation

The application of a more intense land use category is appropriate for this area for the following reasons:

- There are several developed areas adjacent to the subject property that have higher density/intensity land use designations. Two developed areas of Urban Residential are located to the northwest across Fred George Road and southwest across Old Bainbridge Road. Another, larger area designated Suburban is located on the north side of Fred George Road. A portion of this area north of the subject area is currently vacant, but there is an existing shopping center that contains the Lake Jackson Branch Library, a unit of the Leon County Library system.
- The subject property is located within the USA, and so is therefore consistent with those policies listed above that address development within the USA. Based on the availability of infrastructure, the area within the USA is intended for greater densities and intensities over the planning horizon.
- Urban infrastructure is currently available to the subject property. StarMetro's Forest bus route runs along this portion of Fred George Road every 20 minutes during weekdays, and the Evergreen route runs every 30 minutes on Saturdays. Sufficient water and sewer capacity exists to serve the subject property, and it is located adjacent to a four-lane road (Fred George). Ashby Hill Road also borders the subject property along its southeastern border. Ashby Hill Road is a local County road.

The subject property is within walking distance of an emerging urban node centered around the intersection of Highway 27 North, Fred George Road, and Crowder Road. This area was previously part of the Florida Pecan Endowment Company, a land-holding investment company that once held approximately 4,000 acres in Leon County. This company in the early 20th century sold parcels of land five to 20 acres in size marketed as pecan orchards to investors and land speculators. Following the construction and expansion of Highway 27 to four lanes, development has occurred along much of this roadway in an automobile-oriented pattern that concentrates commercial uses in a strip along major roadways, set back from the edge of the roadway, and low-density residential uses away from these commercial areas. Attachment #1 reflects this pattern as evident in the Suburban land uses along Highway 27, with large areas of low-density Residential Preservation away from this Suburban corridor.

However, the emerging urban node at Fred George Road and Highway 27 differs from this traditional development pattern by providing a more concentrated node of urban land uses, including several higher density residential developments within walking distance of this intersection. There are also two shopping centers adjacent to this intersection and several nearby small shopping strips and stand-alone commercial buildings, including two drug stores, several restaurants and auto services, and a bank. Springwood Elementary School is within approximately 2,100' of the subject property, and a City-owned parcel purchased for a new park is within approximately 2,500' (300' west of Springwood Elementary). This urban node is continuing to develop and intensify, and there is a rudimentary sidewalk system in place along portions of Highway 27 that is being slowly augmented as redevelopment continues.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features

This approximately ~~20.3~~ 15.7-acre site is located within the Fred George drainage basin.

The majority of the site is forested. An old homesite approximately an acre in size that was previously cleared that borders Old Bainbridge Road. A commercial water well ~~is located within a small parcel within the subject property that is owned by Talquin Water and Wastewater, Inc. This is located on an interior parcel~~ is 0.03 acres in size, and access to it is provided from Ashby Hill Road.

A large ravine parallels Old Bainbridge Road and crosses Fred George Road. This ravine is approximately 200' wide, 16-20' deep, and has an elevation change of 42' from its head to where it crosses Fred George Road. This ravine and several other environmental features are indicated in Attachment #2.

The northeastern portion of the subject property encompasses a portion of a similar ravine that is larger and deeper than the ravine paralleling Old Bainbridge Road. Both of these ravines drain into Fred George Sink, which is the receiving geological feature within the Fred George Drainage Basin. The slopes of these ravines are identified by County environmentally sensitive area maps as protected slopes.

Old Bainbridge Road is a County road that is designated as a canopy road that is protected by County canopy road land development regulations. The area of the subject property that is within the protected canopy area is approximately two acres (approximately 70' deep and 1,225' long).

There are no other known environmentally sensitive features in the subject area.

2. Water/Sewer

According to the City of Tallahassee, adequate sanitary sewer and water service is available to serve a potential 203 residential dwelling units as allowed under the proposed land use and zoning categories.

3. Other

Roads

U.S. Highway 27 is a principal arterial and Fred George Road is a major collector. The Concurrency Management Section of the Leon County Department of Development Support and Environmental Management (DSEM) has reviewed the proposed comprehensive plan amendment for impacts to the County's Concurrency Management System (CMS). Staff input the increased number of trips (75) into the Tallahassee-Leon County QRS/GNE Model. The additional trips significantly impacted segments of Fred George Road and will require mitigation on at least one segment within the jurisdiction of Leon County. Segments within the City of Tallahassee may also be adversely affected by this comprehensive plan amendment.

This transportation analysis is preliminary in nature. An important issue in development of this property is the location of the access points, which can greatly alter trip distribution. The analysis is based on the current concurrency inventory, which is revised frequently for a

multitude of reasons (i.e., new traffic counts, committed demand changes, revisions to capacity, other).

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 (over that previously vested by the rescinded Huntington Woods DRI) and to schedule improvements to address 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 District II (South of Mahan Drive).

Transit Availability

StarMetro’s Forest bus route runs along this portion of Fred George Road every 20 minutes during weekdays, and the Evergreen route runs every 30 minutes on Saturdays.

Bicycle/Pedestrian Facilities Availability

Sidewalks are present along some segments of Highway 27 where new development has occurred. No sidewalks exist along Fred George Road except at and near the intersections of Highway 27 and Old Bainbridge Road. There are no sidewalks along Old Bainbridge Road. There are also no bicycle facilities along Fred George Road and Old Bainbridge Road.

4. Schools

The site is zoned for Springwood Elementary, Griffin Middle School, and Godby High School. The potential impact on available public school capacity is illustrated in the following table:

School Name	Springwood Elementary	Griffin Middle	Godby High
Potential Students Generated	40	18	18
Present Capacity	88	419	287
Post Development Capacity	48	401	269

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, for the 20.3 acres originally submitted by the applicant. Final school concurrency calculations will be conducted in the future when a site plan for proposed development is submitted.

5. 5-Year Capital Improvements Projects

None.

F. VESTED / EXEMPT STATUS:

The subject property was part of the Huntington Woods Development of Regional Impact (DRI), which was rescinded pursuant to Section 380.115(1)(b), Florida Statutes via Resolution No. 10-R-33 as voted by the City Commission on June 23, 2010. This resolution stated that this DRI is deemed essentially complete, and that all required mitigation has also been completed. The remaining parcels that were originally part of this DRI are therefore not required to mitigate their impact up to that which they were vested with as part of this rescission. The vested development for the subject parcel was 25 single-family homes. These homes have not been built on the subject parcel.

G. PLANNING ISSUES

There are several issues associated with the potential development of this site under the proposed land use and zoning designations, including access, traffic impacts, buffers, the protection of several sensitive ravines, and compatibility with adjacent single-family neighborhoods. Sections 163.3220-163.3243 of Chapter 163 in Florida Statutes authorizes local governments to enter into development agreements with developers, subject to the procedures and requirements of Sections 163.3220-163.3243. ~~Prior to the adoption hearing, it is recommended that~~ The City of Tallahassee work with the developers to create is currently reviewing a proposed development agreement submitted by the applicants that is intended to address planning issues identified by staff as part of the amendment process and would address noise, light, visual buffering and access issues to minimize any impacts to the adjacent residential neighborhood. This development agreement should also run with the land, should the subject property be sold for development by another owner. If this development agreement cannot be successfully created by the time of adoption of the proposed amendment, then the proposed amendment should be denied. Staff is recommending that the Commissions continue the amendment to the regularly scheduled City Commission meeting on October 24, 2012. The recommendation to continue the adoption hearing is intended to provide the time needed to complete the development agreement and necessary public hearings. If the development agreement cannot be finalized prior to the continued adoption hearing, then the staff recommendation would be for denial.

H. LOCAL PLANNING AGENCY QUESTIONS

The Local Planning Agency had a workshop on March 1, 2012 to discuss the Cycle 2012-1 Proposed Amendments. Their questions and staff's responses are as follows:

1. *Is there a cap or limit on transferring residential density within a parcel from undevelopable areas onto developable areas?* The receiving areas cannot exceed twice the allowable density. Regarding the subject area, this cap would be 20 dwelling units per acre.
2. *Would the development of the subject property require to construct a sidewalk along its frontage with Fred George Road?* Both the City and the County require that sidewalks be installed as a part of all development along all street frontages within the Urban Service

Area. However, provisions exist where a developer can request a fee in-lieu instead of building a sidewalk if certain criteria are met.

3. *How is public school concurrency determined?* The capacity analysis for this staff report is conducted by Leon School Board staff. A more precise determination is made based on any site plans presented for approval.
4. *The subject property is vested for concurrency under the rescinded DRI for up to 25 single-family residential units. Can additional residential units be developed onsite?* The subject property, under its current RP-2 zoning, has a legal maximum of 121 dwelling units. However, due to environmental constraints and the configuration of the parcel, the ability of the site to be developed to this extent is significantly limited.
5. *Given the onsite ravines and slopes, are there any significantly flooding or water quality issues associated with the subject property?* The subject property is located within the Fred George regulated closed basin. Under the City's development standards, runoff volumes within regulated closed basins in excess of the predevelopment runoff volume shall be retained for all storm events up to a 100-year, 24-hour duration storm. This is a stringent standard that is also intended to address water quality.

I. CONCLUSION:

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

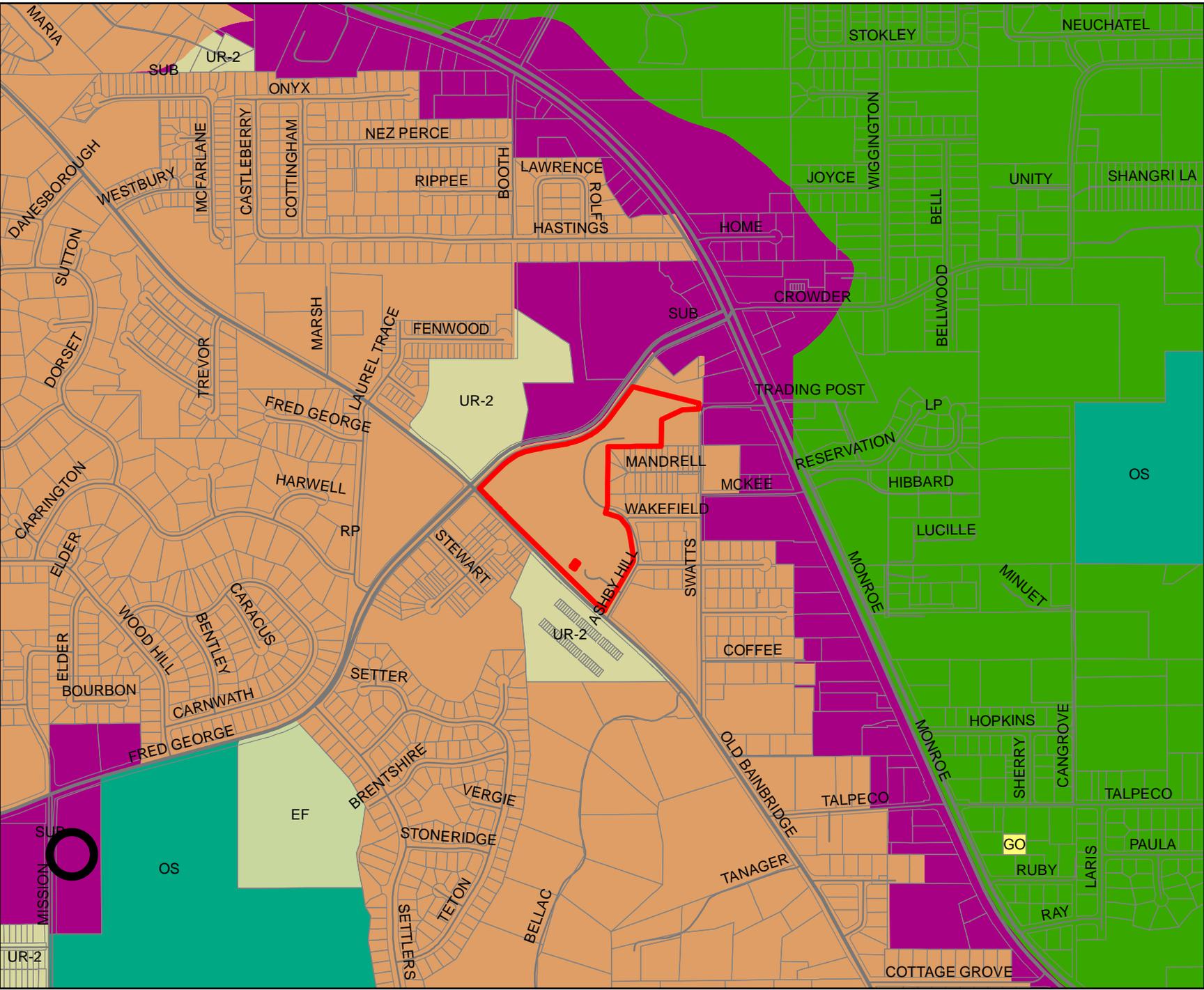
1. The Future Land Use pattern in this area is consistent with the requested land use designation. The subject property is located adjacent to a four-lane divided County road that is adjacent to a mix of Suburban and Urban Residential 2 land use designations. These two land use categories both allow a maximum 20 dwelling units/acre.
2. The application of a more intense land use category and similar zoning category is also appropriate for this area because of its location within the Urban Service Area and the availability of infrastructure, including sewer service and mass transit. Based on the availability of such infrastructure, the area within the USA is intended for greater densities and intensities over the planning horizon.
3. The subject property is within 300' of the intersection of Highway 27 and Fred George Road, which is an emerging urban node. Such nodes can be characterized by a mix of higher intensity services, more dense housing choices, easy access to mass transit, and increased walkability made possible by an interconnected sidewalk system.

Based on this analysis and its conclusions, Planning Department staff recommends changing the area of the subject property currently designated as Residential Preservation to Urban Residential.

I. ATTACHMENTS:

- Attachment #1: Expanded Area Future Land Use Map
- Attachment #2: Environmental Features

Attachment 1: PCM120102 Expanded Future Land Use Map



Legend

- PCM120102 Boundary
- Property Boundary

Roads

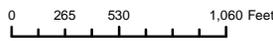
CLASS

- Interstate 10
- Federal
- Major
- Minor
- Residential

Future Land Use

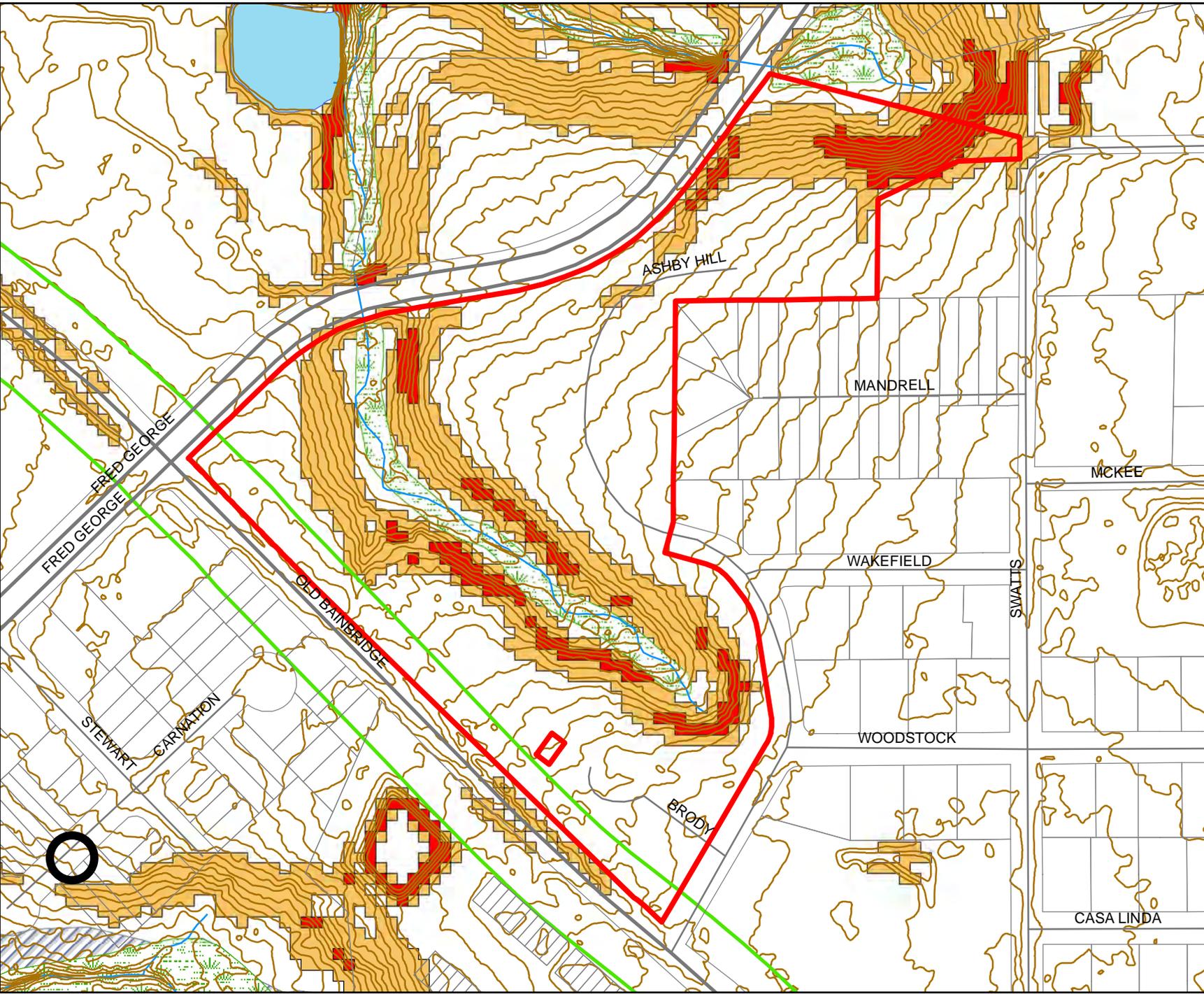
LANDUSE

- Activity Center
- Agriculture/Silviculture/Conservation
- Bradfordville Mixed Use
- Central Urban
- Downtown
- Educational Facilities
- Government Operational
- Industrial
- Lake Protection
- Open Space/Stormwater Facilities
- Planned Development
- Recreation/Open Space
- Residential Corridor
- Residential Corridor Node
- Residential Preservation
- Rural
- Rural Community
- Suburban
- University Transition
- Urban Fringe
- Urban Residential
- Urban Residential 2
- Woodville Rural Community

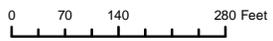


NOTE: This product has been compiled from the most accurate source data from Leon County and the City of Tallahassee. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument.

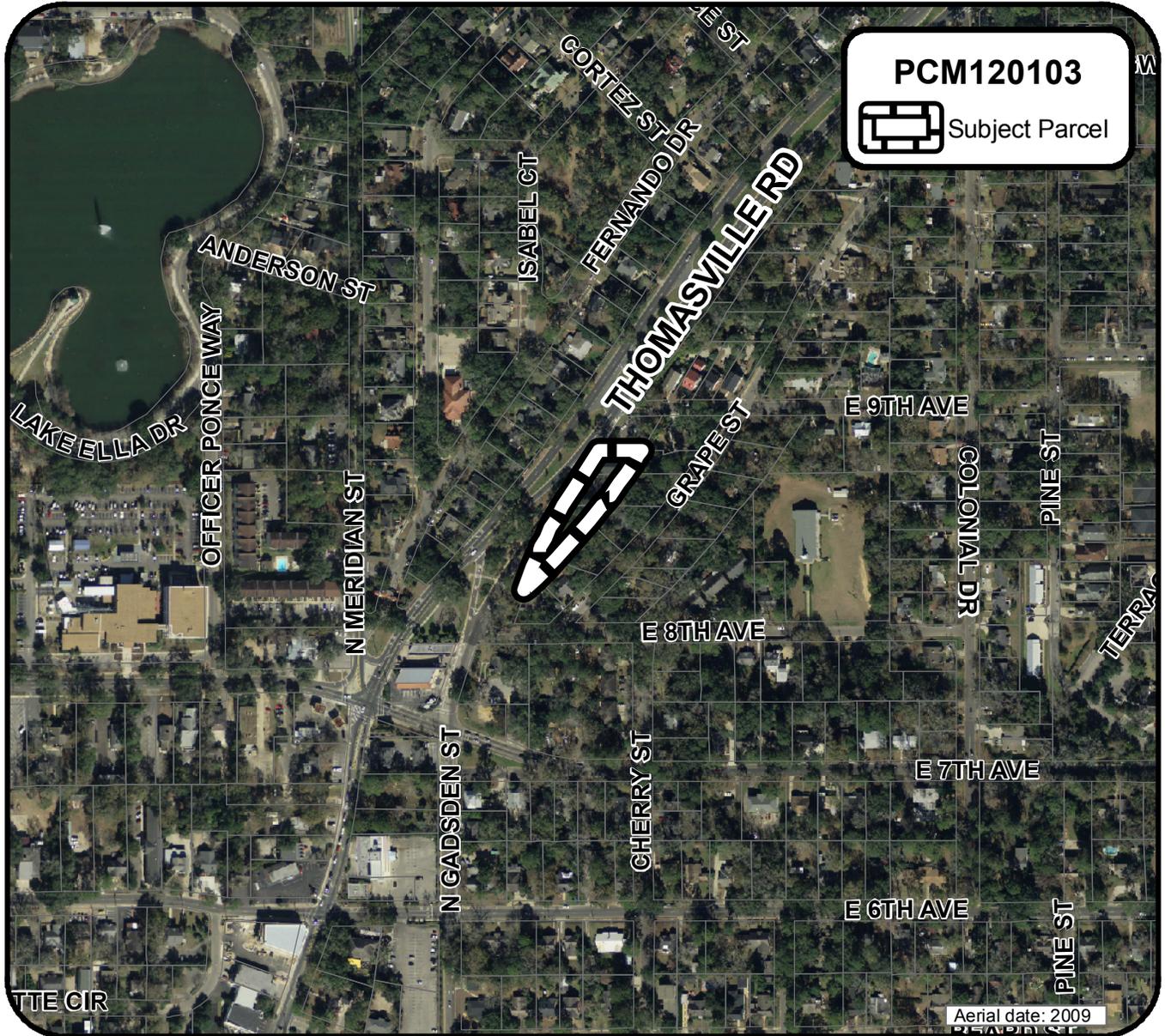
Attachment 2: PCM120102 Environmental Features



- Legend**
- PCM120102 Boundary
 - Property Boundary
- Roads**
- CLASS**
- Interstate 10
 - Federal
 - Major
 - Minor
 - Residential
- canopyb
 - Contours
 - Watercourse
 - Waterbody
 - Wetland
 - 100-yr Floodplain
- Regulated Grades**
- CLASS_DESC**
- NOT REGULATED GRADE
 - SIGNIFICANT GRADE
 - SEVERE GRADE



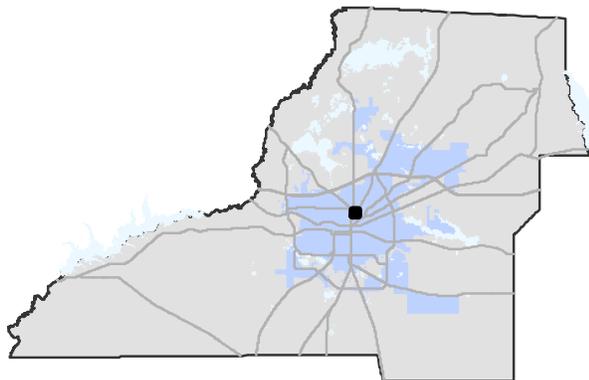
NOTE: This product has been compiled from the most accurate source data from Leon County and the City of Tallahassee. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument.



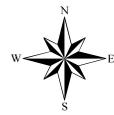
PCM120103
 Subject Parcel

Aerial date: 2009

General Location Map

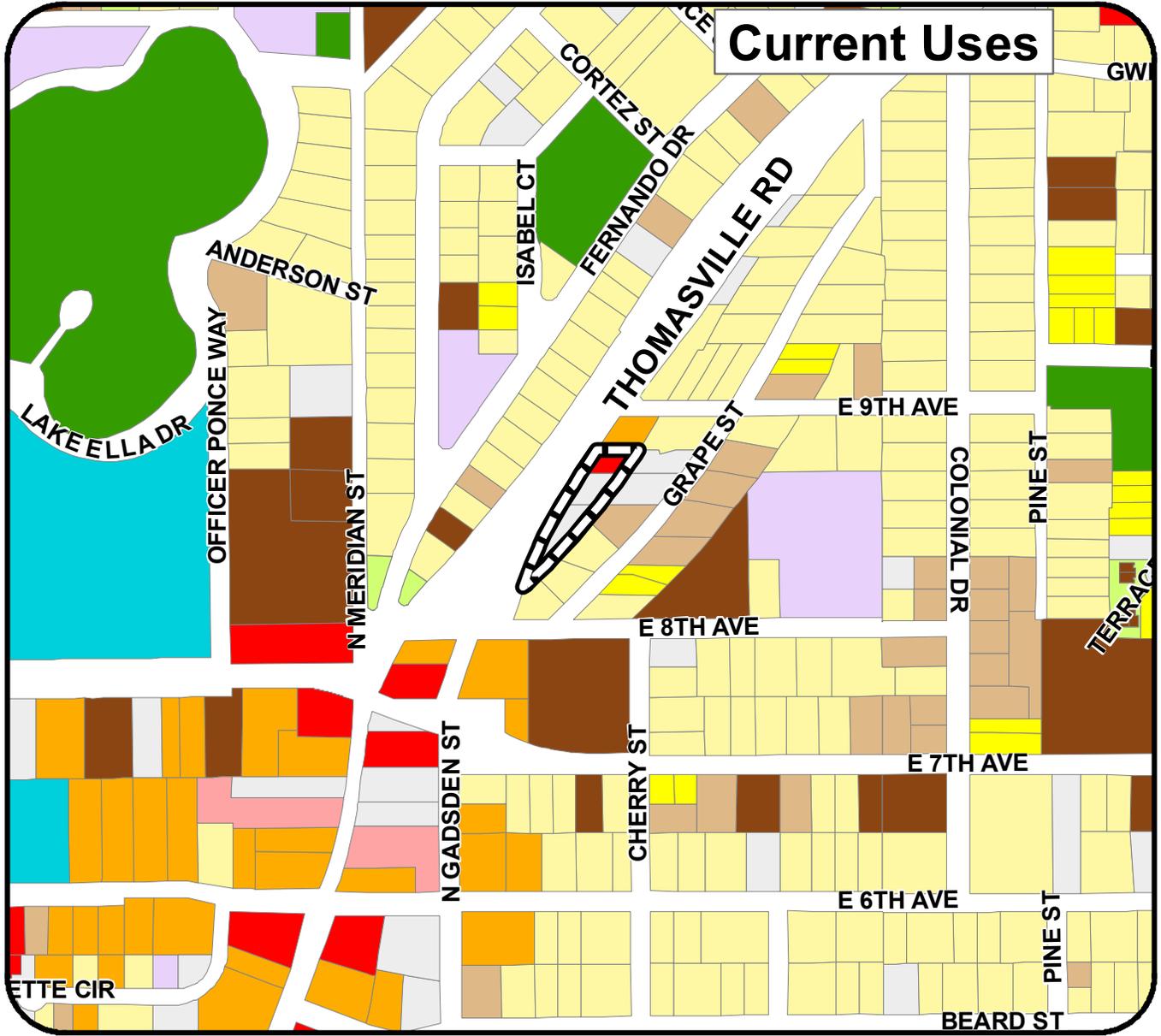


AMENDMENT PCM120103 LOCATION

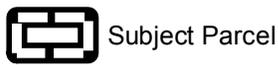


SITE TAX ID:
 11-30-57-000-0120
 11-30-57-000-0130
 11-30-57-000-0140

ACRES: 0.63 ±



Legend



Current Uses (Oct. 2011)

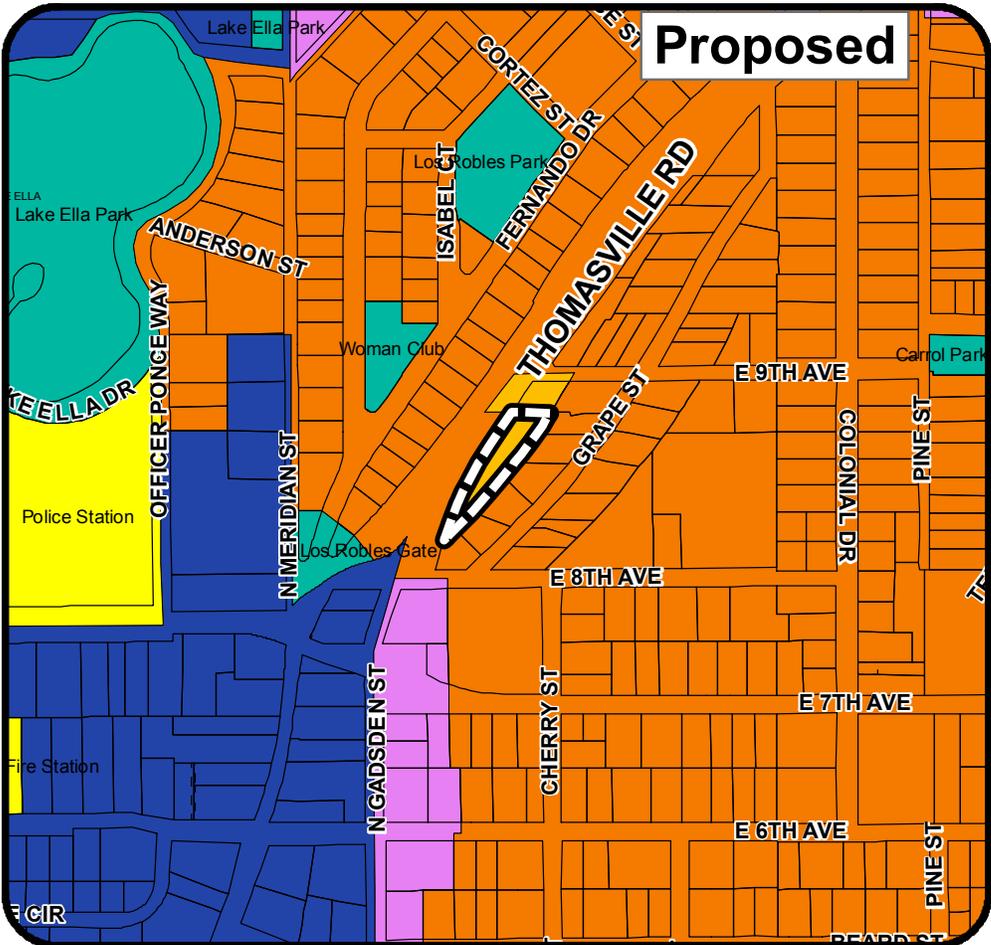
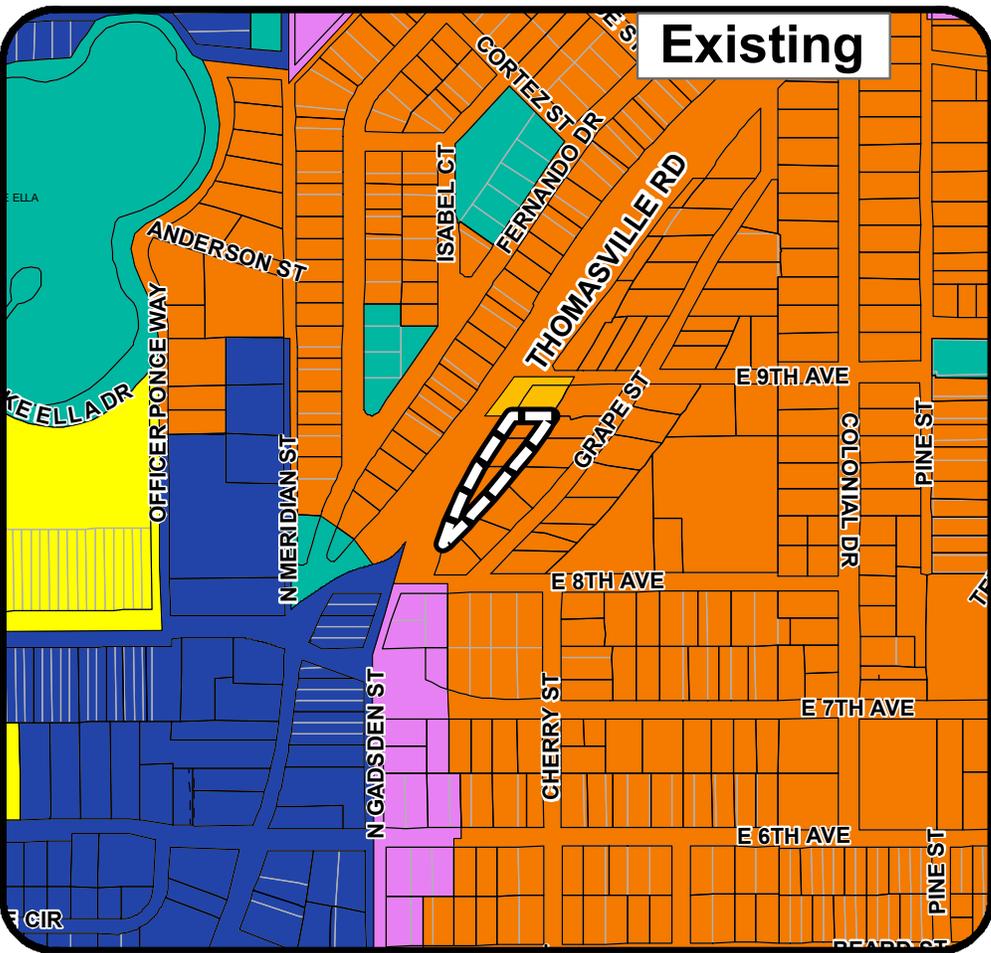
- | | |
|------------------------------------|-----------------------------|
| Single Family Detached/Mobile Home | Office |
| Single Family Attached | Government Operation |
| Two-Family Dwelling | Religious/Non-profit |
| Multi-Family | Open Space Common Areas |
| Motel/Hospital/Clinic | Open Space Recreation/Parks |
| Retail | Vacant |

AMENDMENT PCM120103 LOCATION

SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
11-30-57-000-0140

ACRES: 0.63±





Future Land Use

Legend

-  Central Urban
-  Government Operational
-  Neighborhood boundary
-  Open Space
-  Residential Preservation
-  Suburban



Subject Parcel

AMENDMENT PCM120103 LOCATION

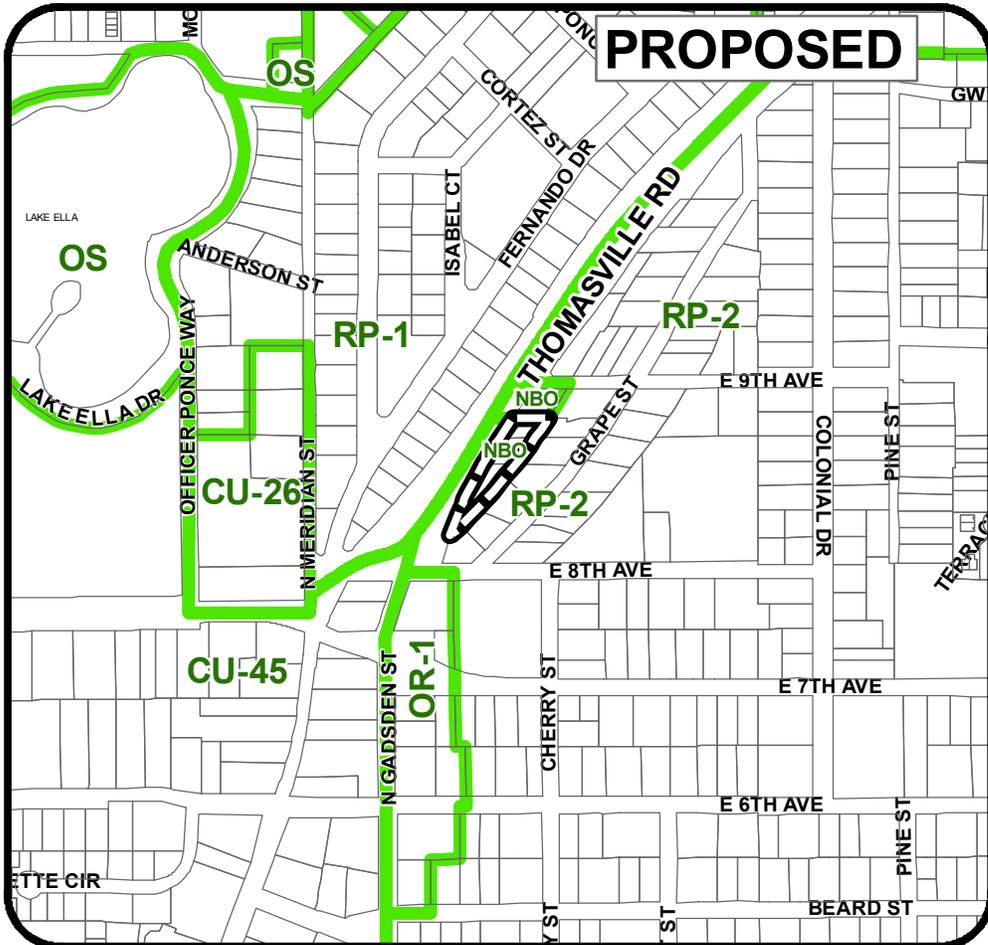
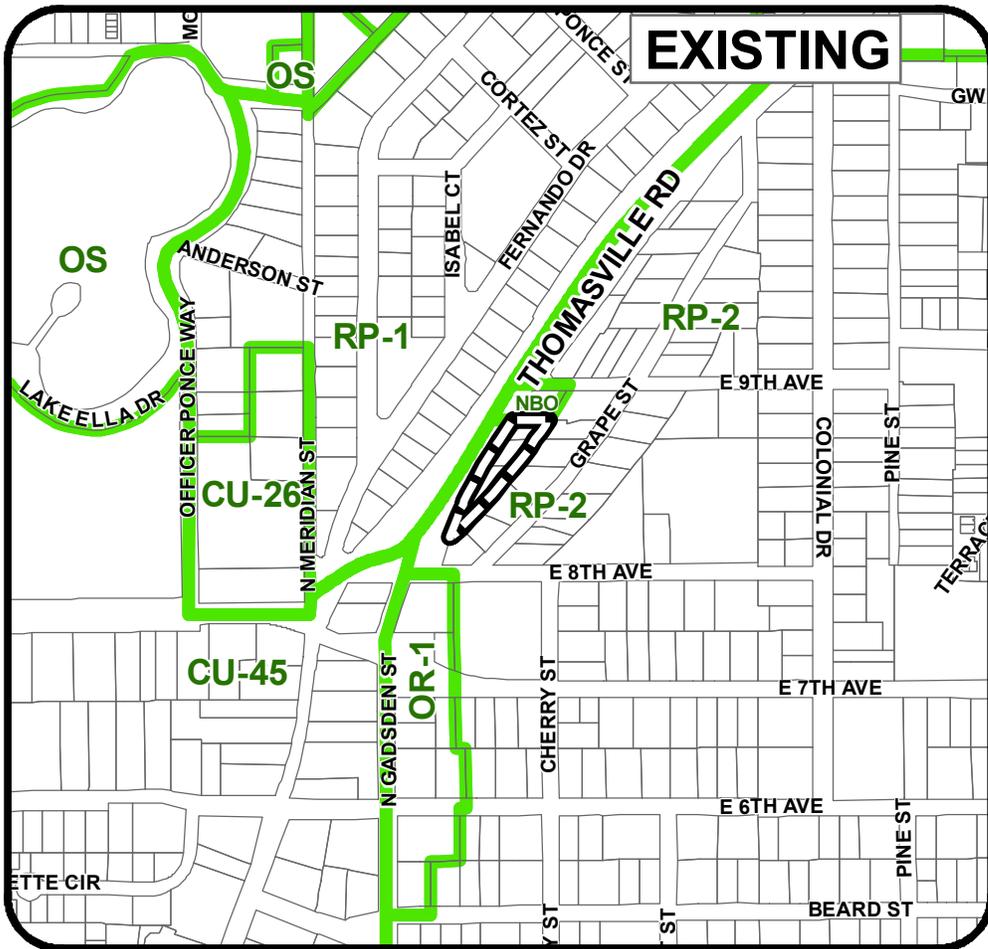
Existing
Residential Preservation

Proposed
Neighborhood Boundary

SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
11-30-57-000-0140

ACRES: 0.63±





ZONING

Legend



Subject Parcel



zoning

AMENDMENT PCM120103 LOCATION

Existing
Residential Preservation 2

Proposed
Neighborhood Boundary
Office

SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
11-30-57-000-0140



MAP AMENDMENT #: PCM120103

APPLICANT: Marshall R. Cassedy, Jr.

TAX ID NO: 11-30-57-000-0120, 11-30-57-000-0130, 11-30-57-000-0140

CITY X COUNTY __

CURRENT DESIGNATION: Residential Preservation

REQUESTED DESIGNATION: Neighborhood Boundary

DATE: February 16, 2012, Updated March 28, 2012, Updated April 13, 2012, Updated June 15, 2012 (strikethrough/underline)

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM120103.

A. SUMMARY:

This is a request to change the Future Land Use Map designation from Residential Preservation to Neighborhood Boundary on three adjoining parcels (0.63 acres), located approximately 100' south of the intersection of 9th Avenue and Thomasville Road. 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. The Planning Department has previously indicated that inclusion of these parcels in the Residential Preservation district appears to have been a mistake. 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. There are several transportation issues associated with the subject site. However, staff recommends that local government move forward with a decision regarding the appropriate Future Land Use designation first in order to appropriately address existing transportation design issues.

During the April 18, 212 City Commission workshop, Commissioners asked the neighborhood residents and the applicant to meet and discuss potential solutions to concerns raised by these residents. The residents have stated to staff and the applicant that they are open to working with the applicant to identify any solutions once all of the mitigation measures included in the April 12, 2012 Certificate of Previously Existing Land Use Conformity (PELUC) order are addressed. On May 24, 2012, the applicant submitted a Request for Relief from the PELUC mitigation measures that has halted the implementation time period for the PELUC. At the time of this report update, staff was not aware of any resolution between the neighborhood residents and the applicant. A table included here as Attachment #4 is intended to clarify the differences between the Comprehensive Plan amendment request and the PELUC.

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. 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 has stated that he is requesting this land use change in order to make the land use and zoning designations more consistent with the long-term use of the property as a business, and to try to recover some of the development rights allowed under the historical C-4 zoning of the subject properties as existed prior to the adoption of the Comprehensive Plan.

D. STAFF ANALYSIS:

Location

These three contiguous parcels are located approximately 100’ south of the intersection of 9th Avenue and Thomasville Road on the east side of Thomasville Road.

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. Cassidy purchased parcel 1130570000120 (existing hair salon building).
- April 1997: Mr. Cassidy purchased parcels 1130570000130 and 1130570000220 (parking lot and Grape Street access).
- July 2004: Mr. Cassidy 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. Cassidy. Additionally, the LRTIC did not direct staff to file a Comprehensive Plan amendment on behalf of Mr. Cassidy. 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.

A PELUC allows specific uses that were legally established prior to adoption of the Comprehensive Plan (July 16, 1990), but were made non-conforming by the adoption of the Comprehensive Plan, to be certified as a conforming use. The 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, at their regular meeting on April 12, 2012, reviewed the applicant’s PELUC application. The Board 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.

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. The southernmost parcel is vacant.

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 provides vehicular access to Grape Street.

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 applicant is requesting this land use change because of a stated desire to make the land use and zoning designations more consistent with the long-term use of the property as a business, and to try to recover some of the development rights allowed under the historical C-4 zoning of the subject properties as existed prior to the adoption of the Comprehensive Plan.

The applicant has requested a Future Land Use Map designation of Neighborhood Boundary (NB). 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 three 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

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 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 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.

Major Planning Issues Analysis

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.

Grape Street Access

At this time, a parcel immediately east of Parcel No. 11-30-57-000-0130 provides vehicular access from the existing hair salon to Grape Street. There is no record of this Grape Street access having been permitted by the City of Tallahassee. This parcel, which has had residential zoning at least since the early 1950s, is not part of the application.

Traffic Issues in the Surrounding Area

There is a significant volume of traffic that goes past 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.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

Environmental Features

The three adjacent parcels comprising the subject properties are located within the Lake Lafayette drainage basin. County environmentally sensitive area maps indicate the presence of significant grades on the subject properties. No other known environmentally sensitive features are identified onsite.

Water/Sewer

City centralized water and sewer services presently are connected or available to the subject properties.

Roadways

Roadway:	Thomasville Road
Adopted Level-of-Service:	E
Functional Classification:	Principal Arterial
Available Capacity:	Functioning over capacity.

Two of the three 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. 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. 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.

H. ATTACHMENTS

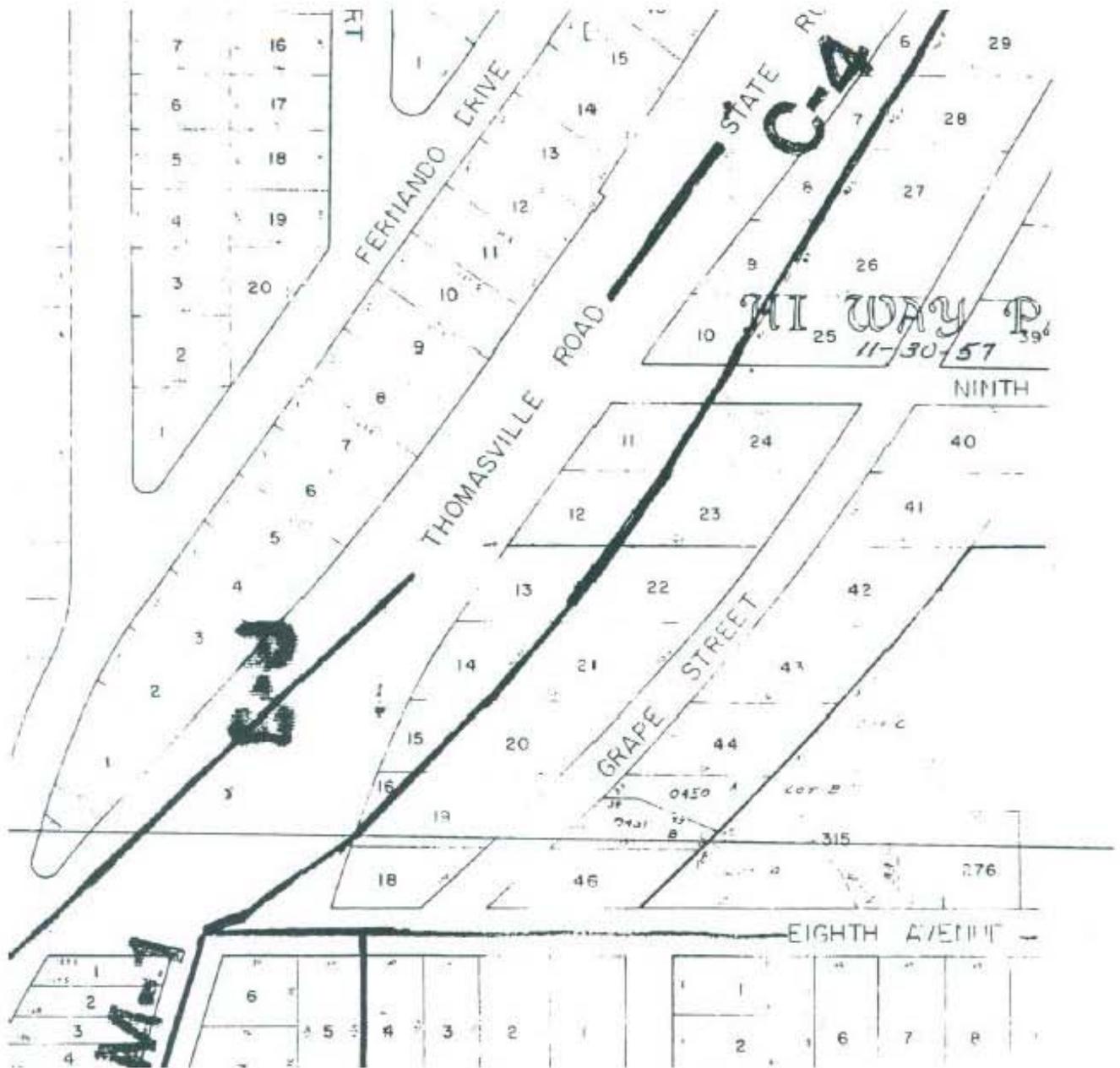
Attachment #1: Historic Zoning Map

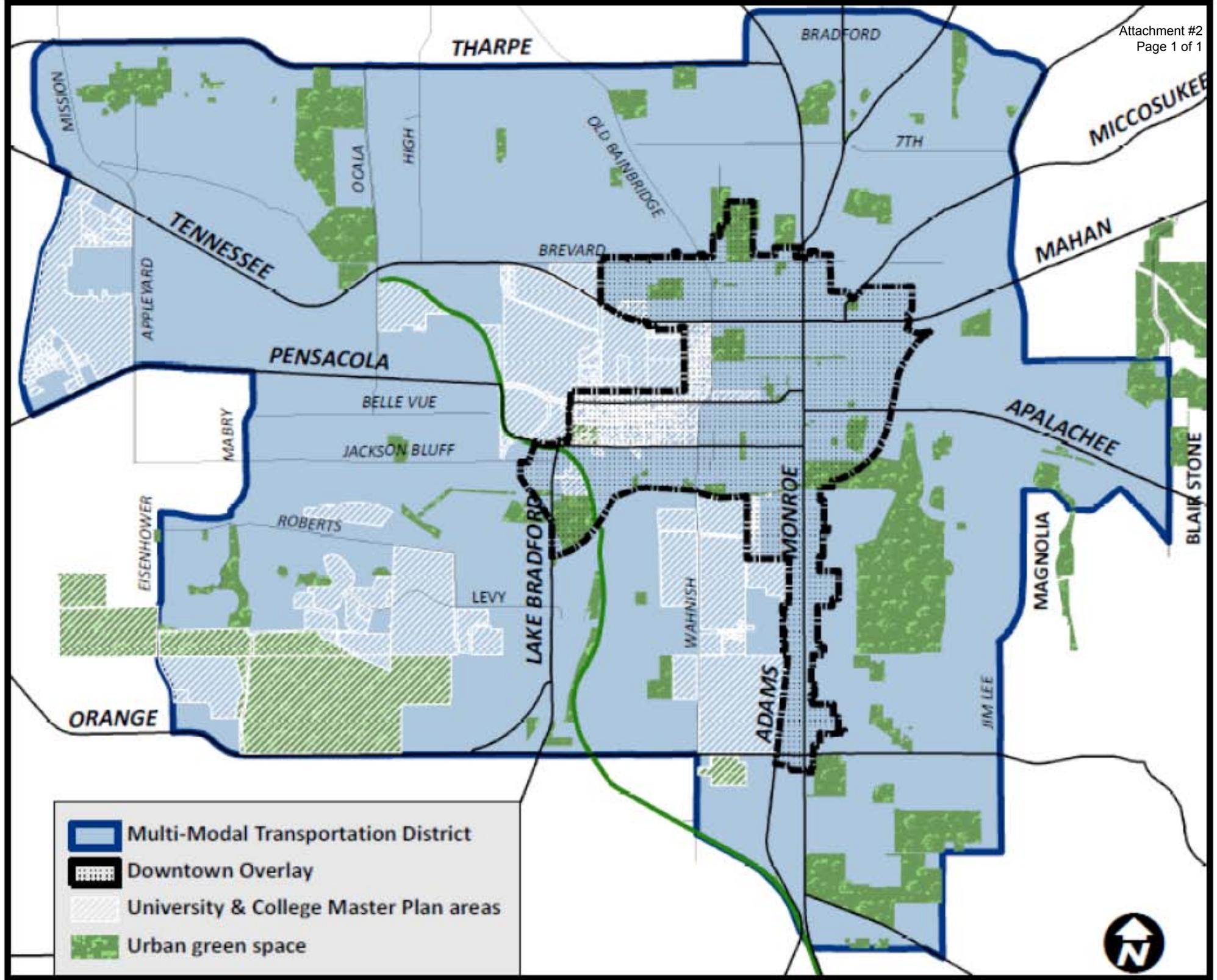
Attachment #2: MMTD Map.

Attachment #3: Comparison of Development Standards in Section 10-266 and Division 4 of the City’s Land Development Code

Attachment #4: Table Describing Differences between the Comprehensive Plan Map Amendment and the PELUC

Historic Zoning (Pre-1990)





Area Addressed	RP-2	NBO	MMTD Transect #3 ¹ (Div.4)
1. Setbacks	<p><i>Single-family Residential (Clustered)</i></p> <p>Front 25' Side (Interior Lot) 15' Side (Corner Lot) 25' Rear 25'</p> <p><i>Single-family Residential (Non-Clustered)</i></p> <p>Front 15' Side (Interior Lot) 7.5' Side (Corner Lot) 15' Rear 25'</p> <p><i>Two-family Residential (Non-Clustered)</i></p> <p>Front 25' Side (Interior Lot) 5' Side (Corner Lot) 10' Rear 15'</p>	<p><i>Single-family Residential Detached:</i></p> <p>Front 20' Side (Interior Lot)² 7.5' Side (Corner Lot) 15' Rear 25'</p> <p><i>Single-family Residential Attached:</i></p> <p>Front 20' Side (Interior Lot) n/a Side (Corner Lot) 15' Rear 25'</p> <p><i>Two-family Residential:</i></p> <p>Front 20' Side (Interior Lot)³ 7.5' Side (Corner Lot) 15' Rear 15'</p> <p><i>Non-residential:</i></p> <p>Front 25' Side (Interior Lot) 15' Side (Corner Lot) 25' Rear 25'</p>	<p><i>Principal building</i></p> <p>Front 25' Side (Interior Lot) 5' Side (Corner Lot) 10' Rear 15'</p>
2. Buffers	<p>A minimum 30' vegetated "Type D" buffer w/ an 8' opaque fence is required only for townhomes (single-family attached) developed adjacent to existing single-family (detached).</p>	<p>A minimum 30' vegetated "Type D" buffer w/ an 8' opaque fence is required only for townhomes (single-family attached) and minor office uses developed adjacent to existing single-family (detached).</p>	<p><i>Non-residential only</i>⁴</p> <p>Urban Buffer #1: 30' width Planting material/100':</p> <ul style="list-style-type: none"> • 12 canopy trees • 6 understory trees • 36 shrubs <p>Urban buffer #2: 10' width Planting material/100':</p> <ul style="list-style-type: none"> • 3 canopy trees • 3 understory trees • 10 shrubs • 6' high masonry wall or opaque fence (exposed concrete block prohibited)

¹ MMTD development standards supersede NBO within the MMTD.

² 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.

³ Same as Footnote #2.

⁴ No buffers are required if the subject properties are redeveloped residentially under NBO. Buffers are required along adjoining R-1, R-2, RP-1, or RP-2 zoning districts within Zone 3 of the MMTD.

Area Addressed	RP-2	NBO	MMTD Transect #3 ¹ (Div.4)
3. Maximum Height	35'	Two stories	<i>Principal Building:</i> Three Stories <i>Accessory Building:</i> Two Stories
4. Maximum Building Size	n/a	<p><i>Single-family Residential Detached:</i> n/a</p> <p><i>Single-family Residential Attached:</i> Maximum Length = 4 Residential Units</p> <p><i>Two-family Residential:</i></p> <p>(A) Residential structures adjacent to existing single-family detached dwellings structures may not be less than 50% smaller than the smallest adjacent principal single-family detached dwelling structure.</p> <p>(B) All other two-family residential has no size limitations.</p> <p><i>Non-residential:</i></p> <p>(A) Non-residential structures adjacent to existing residential single-family detached structures may not exceed 2 times that of the largest adjacent principal residential structure.</p> <p>(B) All other non-residential structures shall not exceed 5,000 square feet of non-residential gross building floor area per parcel and 10,000 square feet per acre.</p>	5,000 square feet per parcel, 10,000 square feet per acre.
5. Building Orientation	n/a	Non-residential development and/or redevelopment of properties located at the intersection of arterial or collector roadways shall have a primary building entrance oriented toward the arterial or collector roadway.	<p>Sec. 10-284.1. Building disposition.</p> <p>(a) <i>Specific to Zones T3, T4, T5 and Downtown Overlay.</i></p> <p>(1) Newly created lots shall be dimensioned according to Section 10-285, Tables 10A, 10B, 10C, and 10D.</p> <p>(2) Building Disposition types shall be as shown in Section 10-285, Table 7 and Tables 10A, 10B, 10C, and 10D.</p> <p>(3) Buildings shall be disposed in relation to the boundaries of their lots according to Section 10-285, Tables 10A, 10B, 10C, and 10D.</p> <p>(4) Density and Intensity standards shall be as shown in Section 10-285, Table 10E.</p> <p>(5) Lot coverage (impervious surface) shall not exceed that recorded in Section 10-285, Tables 10A, 10B, 10C, and 10D, unless fee in-lieu provisions of Section 10-281. Environmental Management are utilized.</p> <p>(6) Facades shall be built parallel to a rectilinear public front property line or to the tangent of a curved public front property line, with the exception of buildings interior to a site that includes buildings that</p>

Area Addressed	RP-2	NBO	MMTD Transect #3 ¹ (Div.4)
			<p>otherwise meet the frontage requirement. Structures that lack frontage on a public right of way may be built parallel to an on-site access easement or drive aisle.</p> <p>(7) Front, Side, Side-Corner, and Rear Setbacks for Principal and Accessory Structures shall be as shown in Section 10-285, Tables 10A, 10B, and 10C. Setbacks may be adjusted by deviation.</p> <p>(8) The Zero side setback in the Downtown Overlay and Transect 5 is only permitted for contiguous structures along a public street frontage. In all other situations, the side setback shall be 5-feet minimum.</p>
6. Lighting	n/a	<p>Lighting Criteria for Non-Residential Uses: All nighttime lighting including wall mounted security lighting, shall not exceed 0.5 vertical surface foot-candle measured at the property line 6 feet above grade. Lighting shall not exceed 10 feet in height and shall have recessed bulbs and filters which conceal the source of illumination. No wall or roof mounted flood or spotlights used as general grounds lighting are permitted. Wall mounted security lighting is permitted.</p>	<p>Sec. 10-284.7. Lighting: General to Zones T3, T4, T5.</p> <p>(a) Developments should strive to achieve dark sky principles, which are intended to preserve the night sky, maximize efficiency, minimize intrusive glare, and limit lighting to the minimum amount necessary for identification and safety. Standards provided herein shall apply to development proposed after adoption of these standards, and shall not be construed to create non-conformities nor necessitate retrofitting existing light fixtures.</p> <p>(b) Exemptions: (1) Emergency lighting and traffic control devices are exempt from these standards.</p> <p>(c) Prohibitions: (1) The use of search lights, laser lighting, strobes and flashers, wall and roof-mounted flood- or spot-lights used for general grounds illumination, and uplighting (except when used to accent landscaping, which must extinguish by 2:00 a.m.) is prohibited.</p> <p>(d) Illumination: (1) All exterior lighting shall be total cutoff type (i.e., directed downward and capped), and should be recessed or shielded to conceal the light source. (2) When abutting single-family, low-density zoning districts (R-1, R-2, RP-1, or RP-2), lighting shall not exceed 0.5 footcandles measured at the property line six feet above grade.</p> <p>(e) Fixture Location and Dimensions:</p>

Area Addressed	RP-2	NBO	MMTD Transect #3 ¹ (Div.4)
			<p>(1) Light fixtures shall be 15-feet maximum height above grade in pedestrian-exclusive areas. Lighted bollards or recessed stairway lighting are encouraged along pedestrian routes.</p> <p>(2) Light fixtures shall be no greater than 25-feet above grade in other areas (i.e., streets, parking lot).</p> <p>(3) Building and wall mounted lights shall adhere to the height standards of [subsections] e.1. and e.2., above.</p>
7. Street Access & Interconnections	n/a	<p>a. Properties in the NBO zoning district may have vehicular access to any type of street except where specifically prohibited by this section.</p> <p>b. Residential developments shall have access to the street serving the adjoining residential neighborhood where possible.</p> <p>c. Non-residential development is not permitted access onto the street serving the residential neighborhood, or local street, and must have access onto the collector or arterial roadway. However, a local residential street access constructed prior to July 16, 1990 may be retained if safe viable alternative access to the collector or arterial roadway is not available, as determined by the Traffic Engineer or designee. Parcels utilizing this provision to access a local residential street shall not provide a vehicular interconnection to any other non-residential parcels as long as access to the local residential street remains open. If access to the local residential street is closed, interconnection policies described in this Section and Section 10-338 shall apply.</p> <p>d. All new non-residential development shall construct a vehicular and pedestrian interconnection to adjoining properties that have an existing commercial use. Interconnections shall be required to adjoining vacant properties, which are zoned for commercial and/or office use. The vehicular interconnection shall be constructed with material consistent with constructed or proposed vehicular use areas. Location of such interconnections shall be approved by the Traffic Engineer or designee and constructed prior to issuance of a Certificate of Occupancy. Required interconnections between properties and/or to a private or public roadway shall be placed in a cross</p>	<p>Sec. 10-283.4. Transportation network</p> <p>(3) Development may have vehicular access to any type of street. However, vehicular access from non-residential and high density residential development to a local street is prohibited if a low-density zoning district is located on the other side of the local street, directly across from where the vehicular access point is proposed.</p> <p>Sec. 10-284.5. Parking location standards.</p> <p>(d) <i>Access and Interconnectivity: General to Zones T3, T4, T5, and Downtown Overlay.</i></p> <p>(1) Commercial/Mixed Use Sites.</p> <p>a. Vehicular access shall be directed to secondary frontages.</p> <p>b. Rear oriented cross-access connections shall be given top priority in design.</p> <p>(2) Residential Sites.</p> <p>a. Vehicular access shall be directed to secondary frontages.</p> <p>b. Development plans should provide or shall continue service alleys extending the entire length of each block. (Sec. 10-285, Tables 2A & 2B)</p> <p>(3) Adjacent parking lots shall be interconnected, except where existing environmental constraints preclude.</p> <p>(4) Shared parking facilities and driveway access should be used to the greatest extent practical, and shall be secured through cross access easements/agreements.</p>

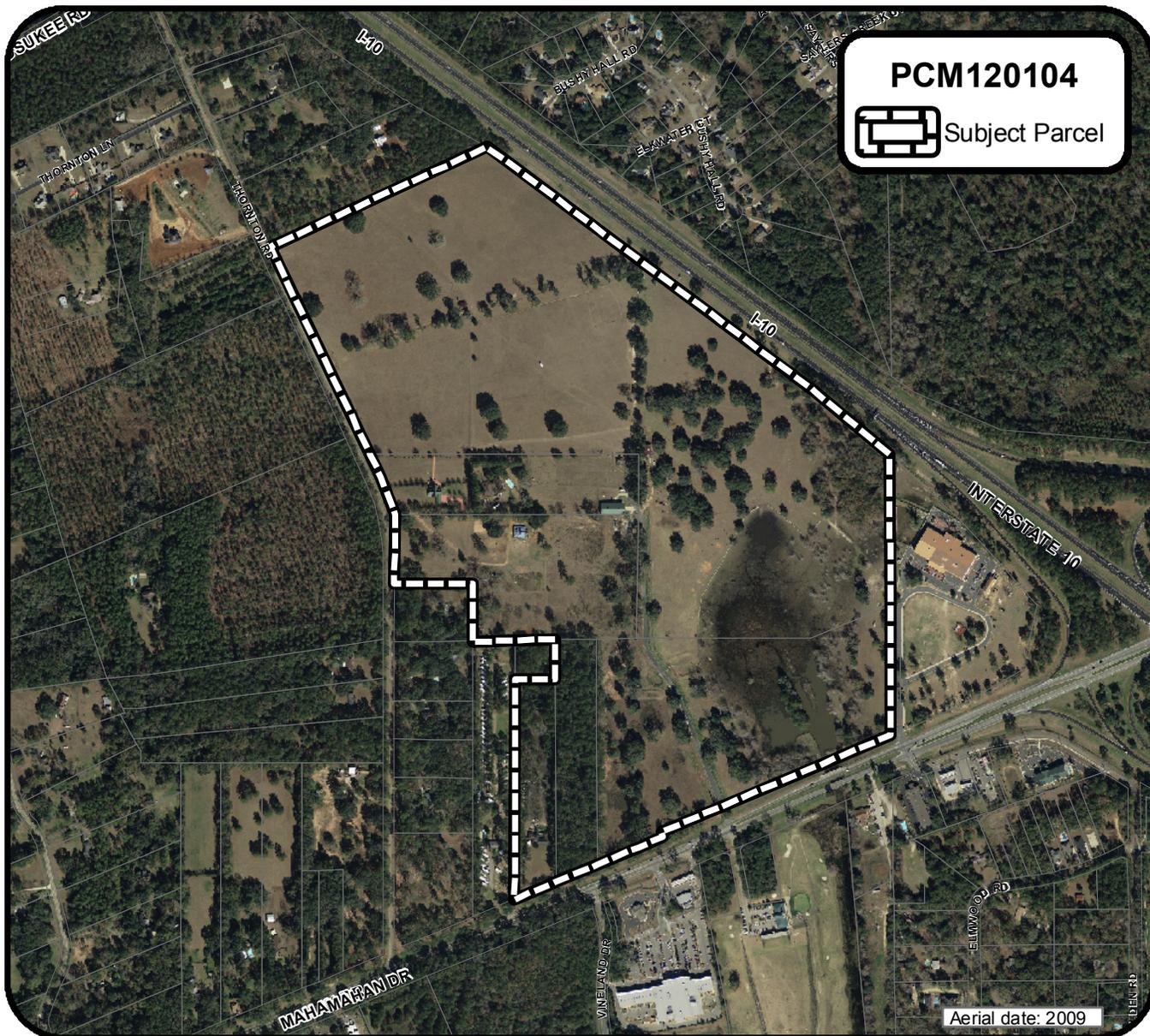
Area Addressed	RP-2	NBO	MMTD Transect #3 ¹ (Div.4)
		<p>access easement acceptable by the City Attorney. The Parking Standards Committee shall approve exemptions to and deviations from the interconnection requirements of this section.</p>	
<p>8. Fencing/ Screening</p>	<p>n/a</p>	<p>a. Chain link fencing is prohibited.</p> <p>b. Buffering shall be in accordance with the provisions of section 10-177. Notwithstanding that any existing trees and vegetation are required to remain in place and must be used to either fully or partially satisfy the buffering requirements of section 10-177. In instances where existing trees and vegetation are not present or are not sufficient to satisfy the buffering requirements of section 10-177, then new plantings shall be required.</p> <p>c. The off-site visual impacts associated with outdoor service functions or areas such as loading areas, trash collections, outdoor storage, or mechanical equipment shall be mitigated by the use of screening material consistent with the materials and design treatments of the primary façade of the primary building and/or evergreen landscape plant material.</p> <p>d. On-site parking adjoining roadways shall be screened from view from public roadways by landscape buffers with a minimum height of three feet. Approved height of screening shall take into consideration the elevation of the site in relation to the public roadway.</p> <p>e. Landscaping should be used to define onsite pedestrian corridors, building design elements, public areas, and viewscales.</p>	<p>Sec. 10-281.6. Streetscreen.</p> <p>(a) <i>General to Zones T3, T4, T5, and Downtown Overlay.</i></p> <p>(1) Parking lots shall be masked from the public right-of-way by a liner building or streetscreen. The streetscreen shall include vegetative or structural elements, such as shade trees, shrubs, knee walls, decorative fencing, or the preserved walls of former buildings. The streetscreen shall provide:</p> <p>a. A landscaped area a minimum of 6-feet wide along public rights of way, sidewalks, or open space; and,</p> <p>b. One tree (min. 3/4 shade trees), not to conflict with overhead utilities or sight lines, for each 20 linear feet of parking lot, loading area, or drive aisles along the frontage; and,</p> <p>c. Shrubs or groundcover spaced between 3- and 6-feet on center; or d. Knee walls, decorative fencing, or preserved structural faces.</p> <p>(2) Between 3- and 8-feet above finished grade level, the streetscreen shall maintain a minimum of 50 percent transparency, thereby preserving natural surveillance.</p> <p>(3) Streetscreens shall have full openings no larger than necessary to allow automobile and pedestrian access.</p> <p>Sec. 10-284.5. Parking location standards.</p> <p>(a) <i>General to Zones T3, T4, T5, and Downtown Overlay.</i></p> <p>(3) Where parking lots abut public right of ways, the development shall adhere to Streetscreen requirements of Section 10-281.6.</p> <p>Sec. 10-284.3. Compatibility.</p> <p>b. All mechanical equipment and trash containment devices, including compactors and dumpsters, shall be screened from public right of way and placed in the 3rd layer. Screening can be vegetative or structural.</p>
<p>9. Compatibility</p>	<p>n/a</p>	<p>Additional Criteria for the Construction of New Non-Residential Buildings and Additions:</p> <p>The overall goals of this district is to provide a unified sense</p>	<p>Sec. 10-284.3. Compatibility.</p> <p>(a) <i>General to Zones T3, T4, T5 and Downtown Overlay.</i></p> <p>(1) <i>Vegetative Buffers.</i></p>

Area Addressed	RP-2	NBO	MMTD Transect #3 ¹ (Div.4)
		<p>of place, a pedestrian scale, and design that reflects the general character and scale of typical residential structures in adjacent neighborhoods. No particular architectural style or materials are mandated. Variety within these design criteria is encouraged. However, buildings shall be designed to reduce the mass, scale, and monolithic appearance of large structures. Flat roofs are prohibited. Roofs shall be designed with a minimum pitch of 4 in 12 (four feet of rise per twelve feet of run). The horizontal footprint of a single roof plane may not exceed one thousand (1,000) square feet.</p> <p>Doors and windows shall be placed to reflect the predominant character and scale of adjacent residential structures, and to provide natural surveillance opportunities to discourage criminal activities. Exterior walls shall be designed with doors or windows spaced horizontally no more than fourteen (14) feet from each other. For purposes of this requirement, doors and windows shall be defined as having a horizontal dimension of no less than three (3) feet and no more than ten (10) feet.</p> <p>Development and redevelopment applications shall provide sufficient documentation including but not limited to architectural elevations (at time of site plan submittal) demonstrating that the proposed development is consistent with the following features of the adjoining neighborhood:</p> <ul style="list-style-type: none"> a. Building facades including building material, architectural style, and colors. b. Roof forms <p>These criteria shall only apply to new construction and when building additions are being proposed.</p>	<ul style="list-style-type: none"> a. When adjoining a different transect zone, developments shall provide either Urban Buffer 1 or 2, as depicted in Section 10-285, Table 11. b. No buffers shall be required within the same transect zone, except where (1)(d), below, applies. c. No buffers shall be required along public street frontages. d. When adjoining R-1, R-2, RP-1, and RP-2 zoning districts, non-residential and medium- and high-density residential developments shall provide either Urban Buffer 1 or 2, as depicted in Section 10-285, Table 11. <p>(2) <i>Height.</i></p> <ul style="list-style-type: none"> a. Any structure, or portion thereof, located within 100 feet of an adjoining RP-1 or RP-2 zoning district, as measured from the property line to the closest vertical construction element, shall be limited to a height of 3 stories. b. Along property boundaries that adjoin R-1, R-2, RP-1, or RP-2 zoning districts, the stepback provisions of Urban Buffer 3 shall apply (Sec. 10-285, Table 11). c. Along property boundaries that adjoin the Special Character District, the stepback provisions of Urban Buffer 3 shall apply (Sec. 10-285, Table 11). d. All new development located on a street segment where the majority of the existing structures are 2 stories or less shall stepback all stories above the second floor a minimum of 15 feet from the front facade of the building. Flat roof areas created by the setback may be used as an outdoor, unroofed balcony or terrace. <p>(3) <i>Equipment and service area screening.</i></p> <ul style="list-style-type: none"> a. Roof-mounted mechanical equipment shall not be visible from adjacent rights of way. b. All mechanical equipment and trash containment devices, including compactors and dumpsters, shall be screened from public right of way and placed in the 3rd layer. Screening can be vegetative or structural.
10. Signage		<p>All signs within the NBO district shall be designed in accordance with the current locally adopted sign code. Where conflict between standards of this district and other rules or regulations occur, the stricter of the two shall</p>	<p>Sec. 10-284.6. Signage: General to Zones T3,T4, T5.</p> <ul style="list-style-type: none"> (a) <i>Type, Location, and Dimensions.</i> (1) All provisions of the <i>Tallahassee Land Development</i>

Area Addressed	RP-2	NBO	MMTD Transect #3 ¹ (Div.4)
		<p>apply. A uniform sign design for the parcels included within the NBO district shall conform to the following minimum guidelines:</p> <ul style="list-style-type: none"> a. One wall-mounted sign per building per collector or arterial street frontage is permitted. A wall-mounted sign shall not exceed 10 % of the area of the building wall area on which it is mounted. Wall signs for multiple tenant commercial buildings shall be uniformly designed and placed. Only one wall sign for multiple tenant office land uses shall be allowed. b. No roof signs, billboard signs, pole signs, flashing signs or signs in motion are permitted. c. Freestanding signs shall be setback a minimum of 10 feet from the right-of-way line. e. Free-standing signs shall be constructed with a base full width to the sign face that is constructed with materials that are consistent with the principle building. f. One free standing sign per driveway is permitted. The Maximum sign area permitted is 24 square feet with a maximum height of 8 feet. Internally illuminated signs are prohibited. 	<p><i>Code, Chapter 7. Sign Code</i> shall be applicable, and where in conflict herewith, the stricter provision shall apply.</p> <ul style="list-style-type: none"> (2) Pole-mounted (pylon) signs are prohibited, except along arterial roadways. All other freestanding signs shall be monument types, and shall not exceed 10-feet in height. (3) Signage shall utilize the building materials of the primary structure. (4) Window signs shall only be permitted on the 1st story. <p>(b) <i>Illumination.</i></p> <ul style="list-style-type: none"> (1) Externally illuminated signs shall be lit from the top of the sign, with light directed downward by means of a fully shielded fixture. (2) Internally illuminated awnings and canopies are prohibited.
11. Noise	n/a	In the event that a property zoned NBO abuts a residential property, the noise source of the NBO zoned property shall not exceed an L10 noise level of 60 dBA in the daytime (7:00 A.M. to 7:00 P.M.) and an L10 noise level of 50 dBA in the night time (7 P.M. to 7:00 A.M.) as measured on the property line abutting the source.	n/a
12. Business Hours	n/a	In the event that a property zoned NBO abuts a residential property, the regular business hours shall not exceed 6:00 A.M. to 9:00 P.M.	n/a
13. Solid Waste	n/a	New development and redevelopment may not place solid waste facilities within 30 feet of an adjoining residential property. However, such facilities shall be screened with a material consistent with the principle structure. The use of solid waste facilities greater than 90 gallons is prohibited within in the NBO district.	n/a

Table Describing Differences between the Comprehensive Plan Map Amendment and the PELUC

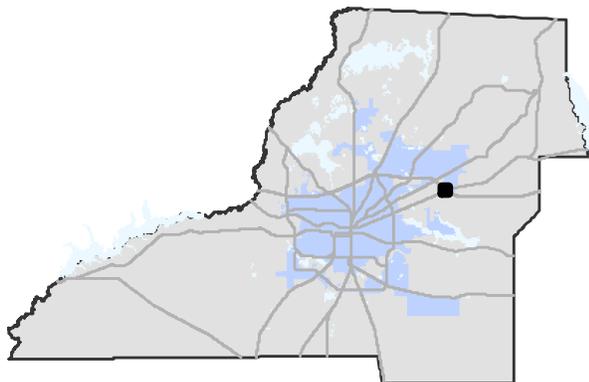
	Comprehensive Plan Map Amendment	Previously Existing Land Use Conformity (PELUC)
Jurisdiction	City and County Commissions approve or deny amendments.	Board of Adjustment and Appeals approves PELUCs, and the Circuit Court hears appeals.
General Function	Determines the appropriate Land Use designation that determines long-term development rights.	Provides a waiver for a specific use legally established prior to the Comprehensive Plan (1990) that was made non-conforming by the Plan. The waiver is shorter-term in nature and may be abandoned for a variety of reasons.
Specific Function for this Project	Determine if the site is appropriate for limited commercial and office use or if it should conform to the existing residential-only Land Use designation.	Provides a waiver for use of the site as a beauty salon/barber shop, and specifies mitigation of impacts to surrounding land uses.
Current Status (6-15-2012)	Staff recommends approval of the amendment with Neighborhood Boundary Office zoning to establish that the site is appropriate for limited non-residential use and should not be made to eventually conform to the current residential only designation. Neighborhood residents have stated that they will not negotiate with the applicant until the conditions in the PELUC order have been fully met.	Board of Adjustment and Appeals approved a PELUC on April 12, 2012 with mitigation measures to address existing impacts to the surrounding neighborhood. On May 24, 2012, the applicant submitted a Request for Relief that halted the implementation time period for the PELUC.



PCM120104
 Subject Parcel

Aerial date: 2009

General Location Map

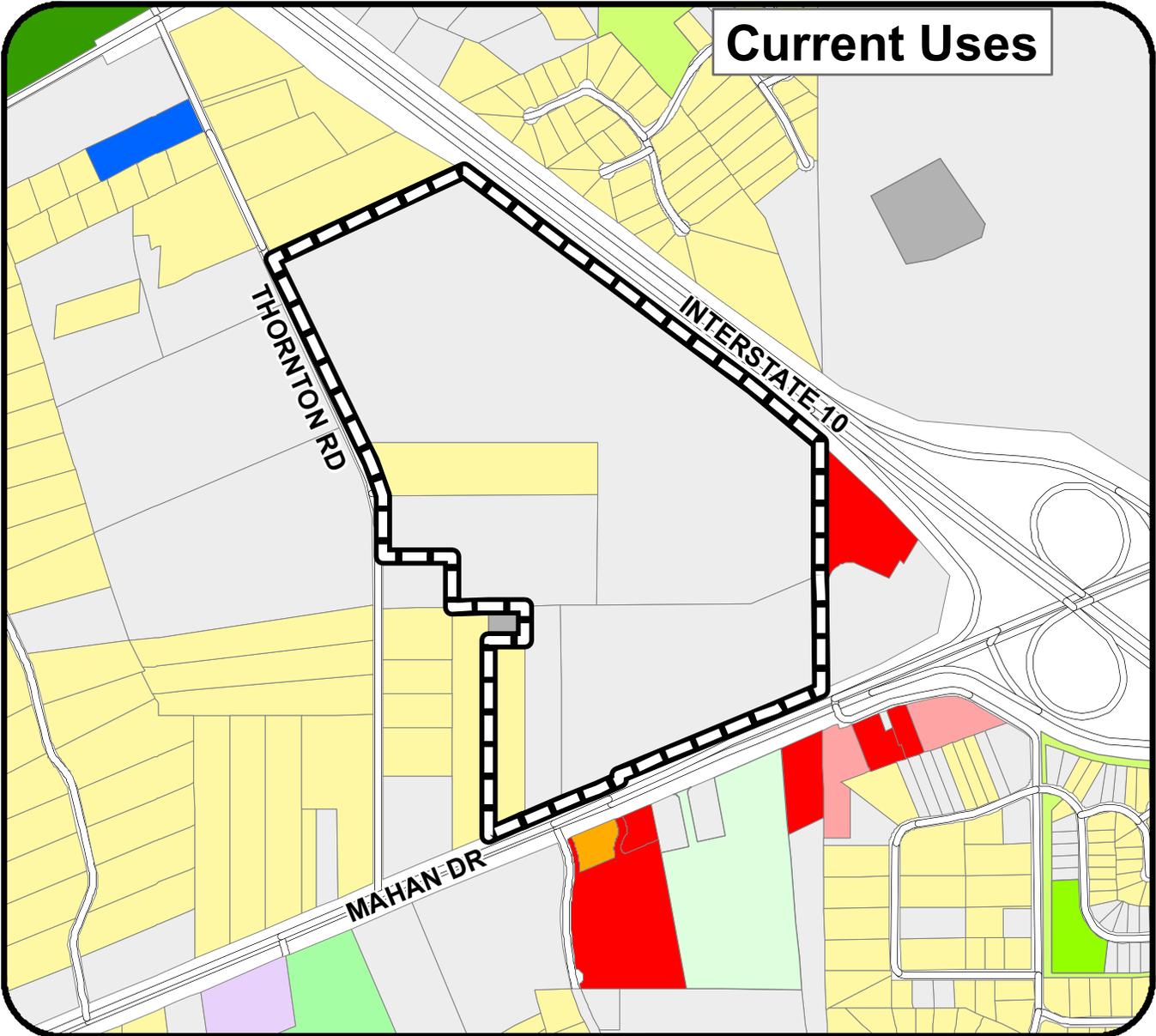


AMENDMENT PCM120104 LOCATION



SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
11-30-57-000-0140

ACRES: 172 ±



Current Uses

Legend



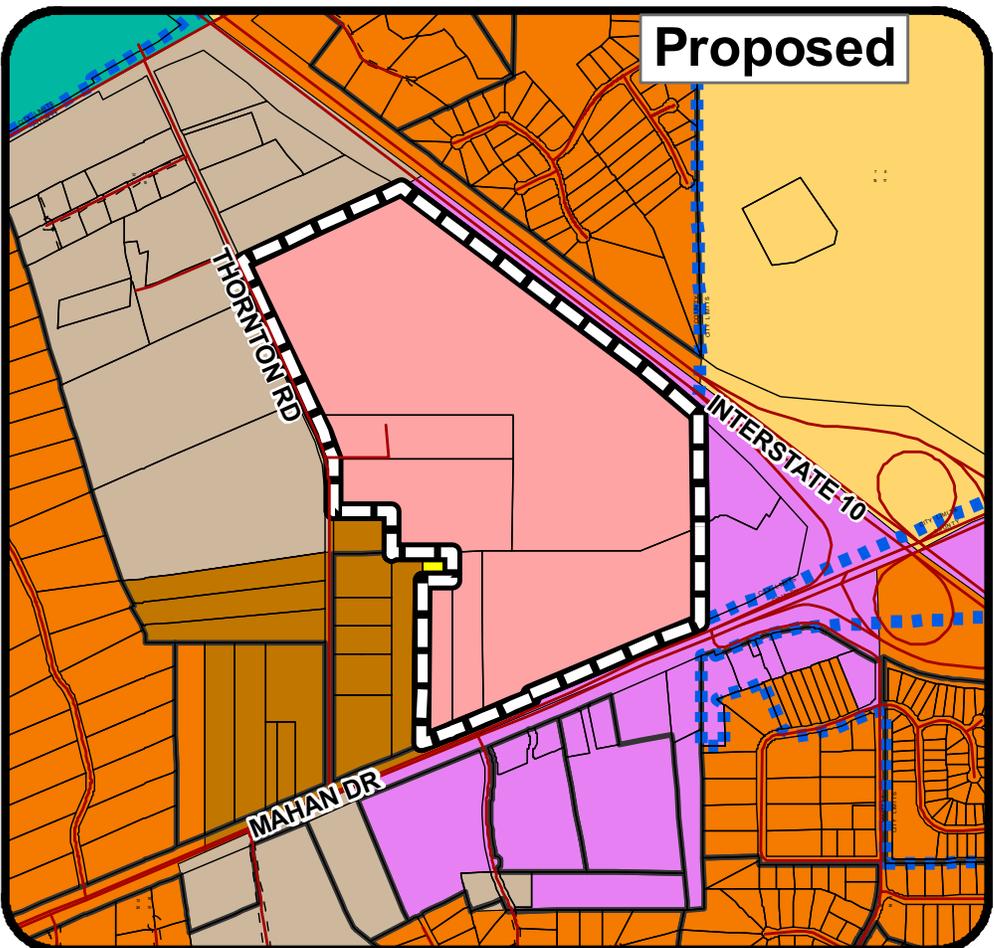
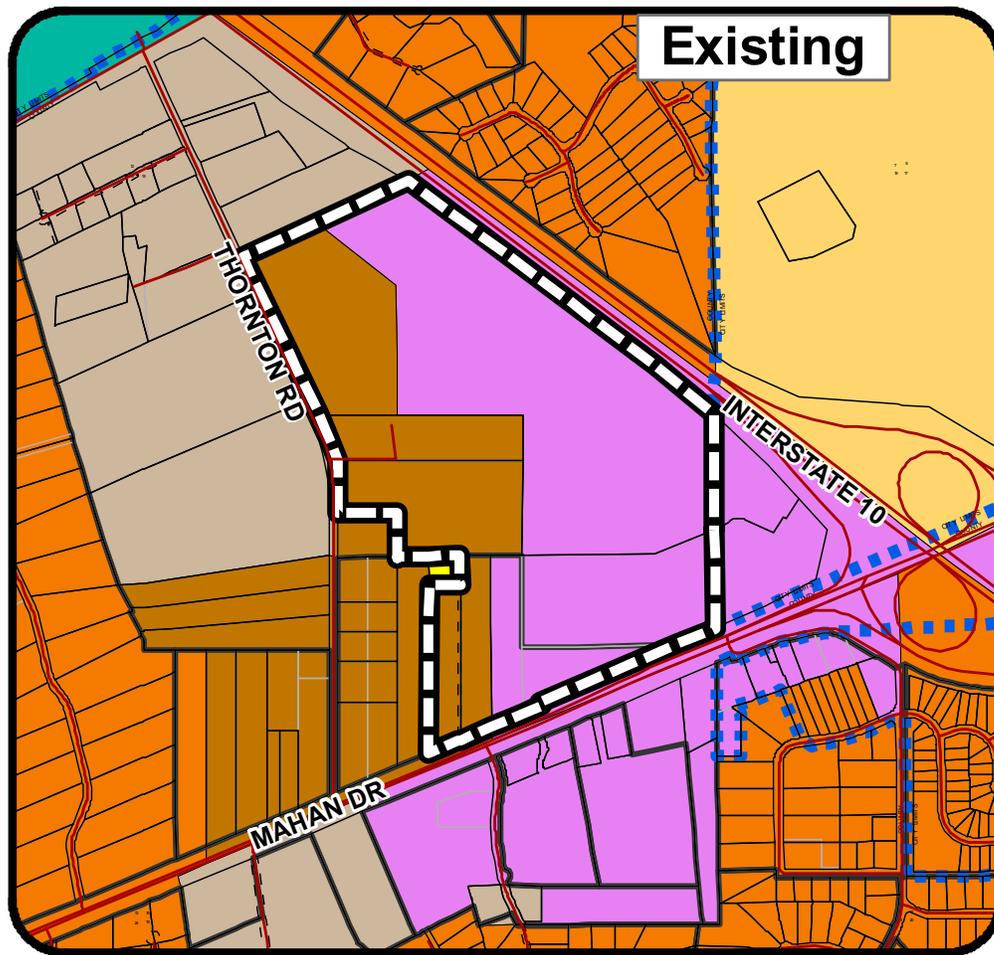
Current Uses (Oct. 2011)

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

AMENDMENT PCM120104 LOCATION

- SITE TAX ID:**
 12-18-05-000-0100
 12-18-05-000-0110
 12-18-20-001-0000
 12-18-20-007-0000
 12-18-20-202-0000
 12-18-20-212-0000





Future Land Use

Legend

- Activity Center
- Governmental Operation
- Open Space
- Residential Preservation
- Urban Fringe
- Mahan Gateway Node
- Planned Development
- Suburban
- Urban Residential 2
- Subject Parcel

AMENDMENT PCM120104 LOCATION

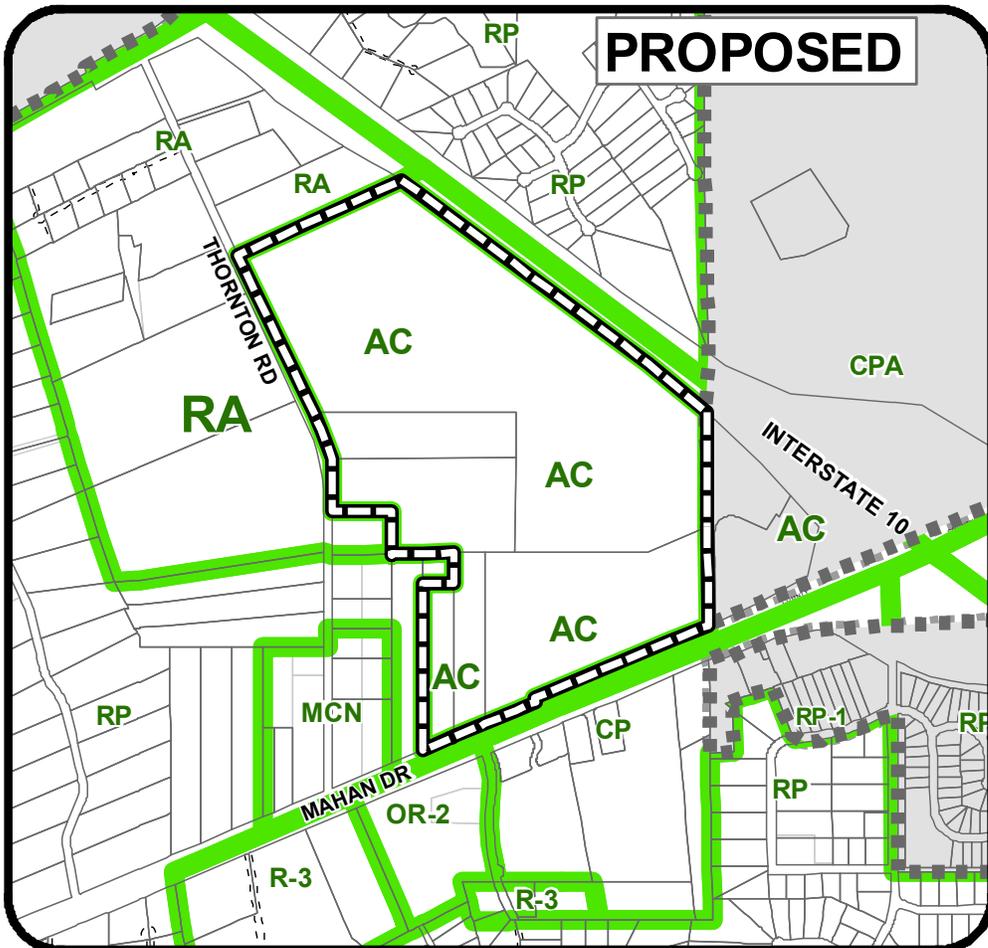
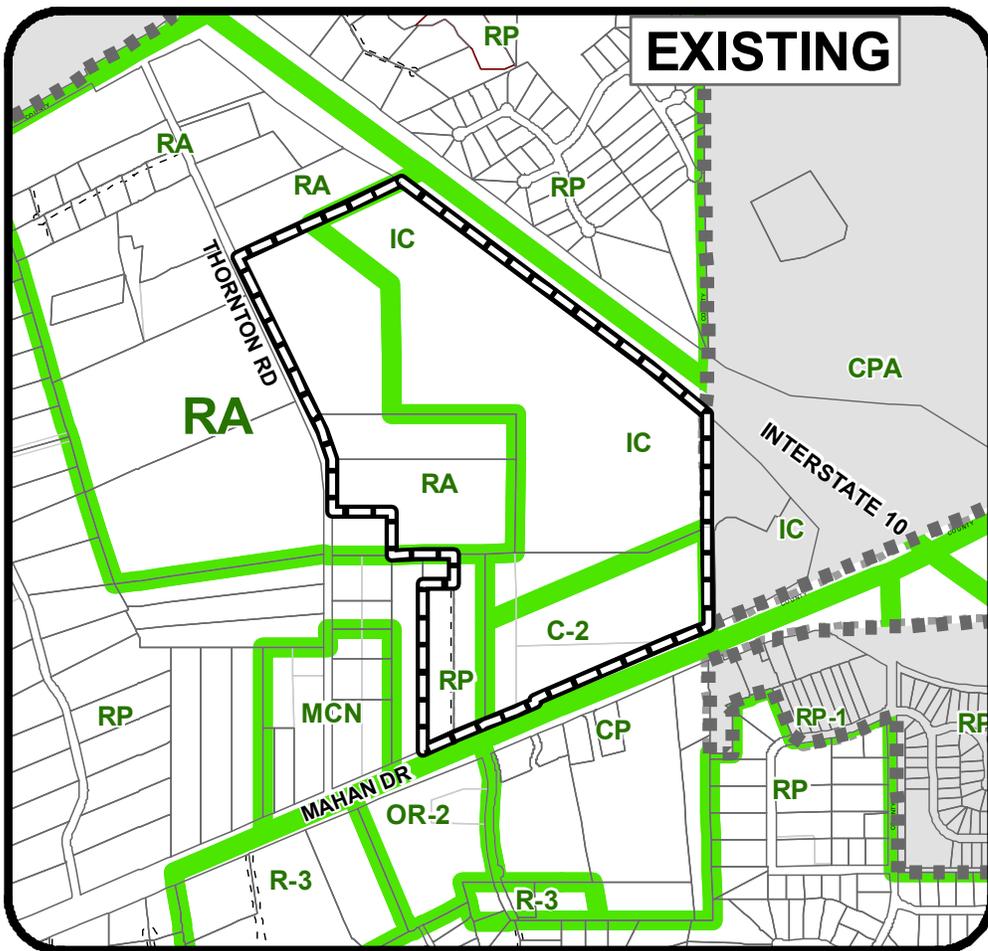
Existing
Suburban,
Mahan Gateway Node

Proposed
Activity Center

SITE TAX ID:
12-18-05-000-0100
12-18-05-000-0110
12-18-20-001-0000
12-18-20-007-0000
12-18-20-202-0000
12-18-20-212-0000

ACRES: 172 ±





ZONING

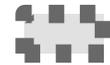
Legend



Subject Parcel



zoning



City Limits

AMENDMENT PCM120104 LOCATION

Existing

IC, C-2, RP and RA

Proposed

High Intensity
Urban Activity Center

SITE TAX ID:

- 12-18-05-000-0100
- 12-18-05-000-0110
- 12-18-20-001-0000
- 12-18-20-007-0000
- 12-18-20-202-0000
- 12-18-20-212-0000



MAP AMENDMENT #: PCM120104**APPLICANT: Devoe Moore****TAX I.D. # s: 12-18-20-202-0000; 12-18-05-000-0100; 12-18-20-212-0000; 12-18-20-001-0000; 12-18-20-007-0000; 12-18-05-000-0110** (~~±175.38 ACRES~~) (172.38 ACRES)**CITY _____ COUNTY X****CURRENT DESIGNATION: 109.88 Acres in Suburban****~~65.5~~ 62.50 Acres in Mahan Gateway Node****REQUESTED DESIGNATION: High Intensity Urban Activity Center****DATE: February 16, 2012, Updated June 12, 2012 (strikethrough/underline)****STAFF RECOMMENDATION: Approve Amendment PCM120104****A. SUMMARY:**

This is a request to change the Future Land Use Map designation on 109.88 acres from Suburban and ~~65.5~~ 62.5 Acres from Mahan Gateway Node to High Intensity Urban Activity Center. The existing Suburban category allows commercial and office uses, and residential development up to 20 dwelling units per acre. The existing Mahan Gateway Node category provides for mixed- use developments, commercial and office uses, and residential development ranging in maximum permitted density from 4-16 dwelling units per acre. The proposed High Intensity Urban Activity Center provides for community and regional commercial activities and residential development up to 45 dwelling units per acre.

An application for rezoning to Activity Center (AC) has been filed concurrent with this map amendment request.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The subject site is in the Tallahassee-Leon County Urban Service Area. Areas within the Urban Service Area are intended for greater densities and intensities based on the availability of infrastructure. The subject site is also located at the intersection of Interstate 10 and Mahan Drive (Highway 90), two major transportation facilities that can support higher intensity uses.
2. The subject site is identified as a "Growth Area/Node" in the Regional Mobility Plan adopted by the City and County Commissions. As a growth area it is intended to accommodate greater intensity compact development. The proposed amendment would maximize the development potential of the site and concentrate regional economic activity at the node for more efficient use of the transportation network.

C. APPLICANT'S REASON FOR THE AMENDMENT:

The application gives the following basis for the proposed change:

I am interested in changing the Map in order to maximize the commercial use potential of a site located at the intersection of Interstate 10 and State Highway 90 for use as a regional shopping and activity center.

D. STAFF ANALYSIS:***Current Future Land Use and Zoning*****Suburban with IC and C-2 Zoning**

The subject site is located on the western corner of Interstate 10 and Mahan Drive and consists of six parcels totaling ~~175.38~~ 172.38 acres. A majority of the site (109.88 acres) is designated Suburban on the Future Land Use Map (FLUM) and the remainder acreage (~~65.5~~) (62.5) is designated Mahan Gateway Node. The site is currently being used for agriculture and grazing and is adjacent to an existing antique car museum and the interstate to the east, a RV Mobile Home Park, a city well, and low density to the north and west, and Mahan Drive to the south. There are some environmental constraints in several area of the site. However, any constraints would be addressed through the development review process and site design of any future development of the site.

The Land Use Element establishes policies and guidance for the mapping of Future Land Use categories which are depicted on the Future Land Use Map. These categories are designed to promote a variety of land uses and patterns to meet the needs of the community.

The Suburban land use category recognizes the manner in which much of Tallahassee-Leon has developed since the 1940's. It allows a variety of uses including residential up to 20 dwelling units per acre, office and commercial. The category 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 and medium density land uses. Typically the category predominantly consists of single-use projects. The subject site Suburban land use category is currently being implemented through Interchange Commercial (IC) and General Commercial (C-2) zoning districts. Under IC zoning, non-residential uses are permitted up to 25,000 square feet per acre to 200,000 square feet per site. C-2 zoning allows non-residential development up to 12,500 square feet per acre to 200,000 square feet per parcel. The maximum gross residential density allowed in IC and C-2 is 16 dwelling units per acre. The proposed amendment would triple that density.

Mahan Gateway Node with RA and RP Zoning

The Mahan Gateway Node land use category is applicable only within the Mahan Drive Corridor Study Area. The category provides for low to medium density residential development, ranging in maximum permitted density from 4-16 dwelling units per acre and mixed-use developments and non-residential uses such as a combination of commercial/office uses and residential uses. Community facilities related to residential uses are also allowed. The application of this land use category and associated implementation regulations is intended to achieve several objectives including: preserving existing residential preservation neighborhoods; creating an attractive gateway into Tallahassee; fostering an appropriate mix and location of land uses along the corridor to preserve the scenic and residential character of a majority of the corridor; providing for the potential development of commercial and retail development within designated nodes along the corridor; prohibiting strip commercial development along the corridor; and maximizing and promoting efficient use of infrastructure within the Tallahassee-Leon County Urban Service Area. The subject area Mahan Gateway Node land use category is being implemented through Residential Acre (RA) and Residential Preservation (RP) zoning districts. Approximately 11.76 acres of the subject site acres are zone RP and ~~53.74~~ 50.74 acres are zoned RA. The RP allows up to 6 dwelling units per acre. However, in the Urban Service Area new residential densities shall be consistent with those within the developed portions of the recorded and unrecorded subdivision in which they are located. In the Residential Acre district the maximum gross density allowed for new residential development is 1 dwelling unit per acre and non-residential is permitted up to 10,000 square feet per acre.

Proposed Future Land Use and Zoning

High Intensity Urban Activity Center and AC zoning

High Intensity Urban Activity Centers are intended to provide large scale commercial activities to serve retail needs of large portions of the population and the region. The category promotes efficiency of the transportation system by consolidating trips and discouraging unabated sprawl of commercial activities. Planned, integrated development is required to promote synergy between the different allowable land uses. An integrated pedestrian mobility system designed to provide safe and accessible foot and bike travel between the land uses shall be stressed in granting development approvals. Access and egress to Activity Centers as well as internal vehicle travel shall be planned in a comprehensive manner in order to facilitate traffic movement. Under the category, residential development up to 45 dwelling units per acre is permitted. The zoning district allows minor, neighborhood, community and regional commercial activities that can range from 10,000 square feet if located on a local street up to 4,000,000 per single site/ quadrant or single structure.

Major Planning Issues Analysis

The amendment site is located within the existing Urban Service Area of Tallahassee-Leon County. The Urban Service Area is established by Objective 1.1 of the Land Use Element of the Comprehensive Plan. Policies under this objective require that new development be concentrated within the Urban Service Area and that higher density and mixed use development and its ancillary activities be channeled into locations which have proper access to the existing transportation system; minimal environmental constraints; sufficient stormwater treatment capacity; compatible existing land use and readily available sewer and water infrastructure (Land Use Policies 1.1.1 and 1.1.7). The subject site is in an area where there are existing services to support more intense development. City water and sewer is available to serve the site. In addition, the site is located at the intersection of Interstate 10 and Mahan Drive (Highway 90), two major transportation facilities. Mahan Drive, as part of the Strategic Intermodal System (SIS), is currently being reconstructed with additional lanes sidewalks and bike lanes from Dempsey Mayo to Walden Road.

The subject site is included in the Mahan Drive (US 90) Corridor Study which was completed in 2004. The intent of the plan was to create a vision for the corridor through land-use, transportation facilities and neighborhood preservation measures that achieved a positive image for the corridor. In the study, the amendment site was recommended for two proposed new land use categories - "Residential Corridor" category and "I-10 Business and Employment" category. Residential Corridor was recommended for the area with residential zoning immediately located mostly along and near Thornton Road. The category was intended to protect existing residential from incompatible uses, encourage higher density residential (not to exceed 10 dwelling units per acre) adjacent to the corridor, encourage infill and reduce urban sprawl, and establish transit facilities along the corridor. A related intent was to support the establishment of the corridor as a "Gateway" to the Capital City. The I-10 Business and Employment category was proposed for the remaining area which included the majority of the site. The category was intended to provide a range of activities from employment based office and light industrial uses to commercial services, multi-family housing and community-wide and regional trade areas. The proposed amendment provide for uses that are consistent to those recommended for this node in the corridor study. However, the density and intensity of those uses could be greater.

In addition to the corridor study, the subject site is included in the Regional Mobility Plan adopted by the City and County Commissions. The Regional Mobility Plan identified the subject site as a "Preferred Growth Area" to concentrate regional economic opportunities and curb the spread of suburban type development. The proposed amendment is consistent with the Regional Mobility Plan concept by providing for the highest development potential of the site which could curb the spread of typical suburban development along Mahan Drive by concentrating development into this area and taking pressure off other segments. This could reduce the pressure to provide more intense development outside the Urban Service Area.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features: The subject site consists of six parcels and is in the Lake Lafayette drainage basin. Environmental features on the site consist of wetlands (28.16 acres, 9.11 of which are degraded), floodplain (44.3 acres, 7 of which are altered) and a closed basin (2.46 acres).
2. Water/Sewer: There is City water and sewer to serve the subject site.
3. Transportation:

Roads

The subject site is bound by Interstate 10, Mahan Drive (US 90) and Thornton Road. Interstate 10 is a limited access interstate, Mahan Drive is a principle arterial roadway and Thornton Road function as a major collector. There is available capacity on these roadways.

Capital improvements: CRTPA 5-year Transportation Improvement Program shows that SR 10 (US90) Mahan will be reconstructed with additional lanes sidewalks and bike lanes from County Road 0353 Dempsey Mayo to Walden Road. This project is on the Strategic Intermodal System (SIS) and is currently under construction. Anticipated project completion year is 2013.

Transit Availability: The site is 3.5 miles from Starmetro Azalea Route.

Bicycle/Pedestrian Facilities Availability: Construction of sidewalks and bike lanes is part of the transportation improvements being made on Mahan Drive from Dempsey Mayo Road to Walden Road.

Transportation Analysis and Conclusion: Development under High Intensity Urban Activity Center zoning can be expected to generate and attract greater traffic volumes compared to the existing zoning categories of IC, C-2, RP and RA. Per the County Department of Support and Environmental Management, residential development generates approximately 4,104 PM Peak Hour trips. This based on a Residential Condominium/Townhouse (830) use found in ITE Trip Generation, 8th Edition. The commercial trip generation is approximately 14,920 PM Peak Hour trips. This is based on a Shopping Center (820) use found in ITE Trip Generation, 8th Edition. Therefore, the combined total trip generation is approximately 19,024 PM Peak Hour trips. This does not account for any trip reduction for pass-by or internal capture. The trip generation characteristics would also change based on the layout of the site, access connections, size of individual buildings, and many other factors currently not known at this time. A traffic impact analysis would be required as part of any application for concurrency.

4. Schools: The subject site is in the Moore, Swift Creek and Lincoln school attendance zones.

School Name	Moore Elementary	Swift Creek Middle	Lincoln High
Potential Students Generated	1594	655	786
Present Capacity	-35	164	217
Post Development Capacity	-1629	-491	-491

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:

The amendment site is not vested or exempt.

G. CONCLUSION:

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

1. The subject site is in the Tallahassee-Leon County Urban Service Area. Areas within the Urban Service Area are intended for greater densities and intensities based on the availability of infrastructure. The subject site is also located at the intersection of Interstate 10 and Mahan Drive (Highway 90), two major transportation facilities that can support higher intensity uses.
2. The subject site is identified as a “Growth Area/Node” in the Regional Mobility Plan adopted by the City and County Commissions. As a growth area it is intended to accommodate greater intensity compact development. The proposed amendment would maximize the development potential of the site and concentrate regional economic activity at the node for more efficient use of the transportation network.

On the basis of the data, analysis and conclusions, Planning Department staff recommends approval of this amendment.

TEXT AMENDMENT #: PCT120105

APPLICANT: Devoe Moore

TEXT/POLICY#: Land Use Policy 1.1.12

CITY ___ COUNTY X

DATE: February 16, 2012, Updated June 12, 2012 (strikethrough/underline)

STAFF RECOMMENDATION: Approve Amendment PCT120105

A. SUMMARY:

The proposed amendment provides a new policy in the Land Use Element that will designate parcels on the western corner of the intersection of Interstate-10 and Mahan Drive as a Development of Regional Impact (DRI) Exemption Area pursuant to Section 163.3164(50), Florida Statutes, and Section 380.06 (29) (c), Florida Statutes. The proposed exemption area total ~~175.38~~ 172.38 acres.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed amendment meets the criteria for designation as a Development of Regional Impact (DRI) Exemption Area pursuant to Florida Statutes 380.06 (29) (c) and Florida Statutes 163.3164 (50). The proposed exemption area is within the Tallahassee-Leon County adopted Urban Service Area (USA) and has the necessary infrastructure to support development. Based on the availability of infrastructure, the area within the USA is intended for greater densities and intensities over the planning horizon.
2. The proposed amendment is consistent with local governments' effort to facilitate and streamline the development review process. The Development of Regional Impact review is a lengthy process involving local, regional and State entities. While development in the proposed exemption area would most likely require the highest level of review under the County's Land Development Regulations, the DRI exemption would take it out of regional and State review.

C. EXISTING TEXT/POLICIES:

None.

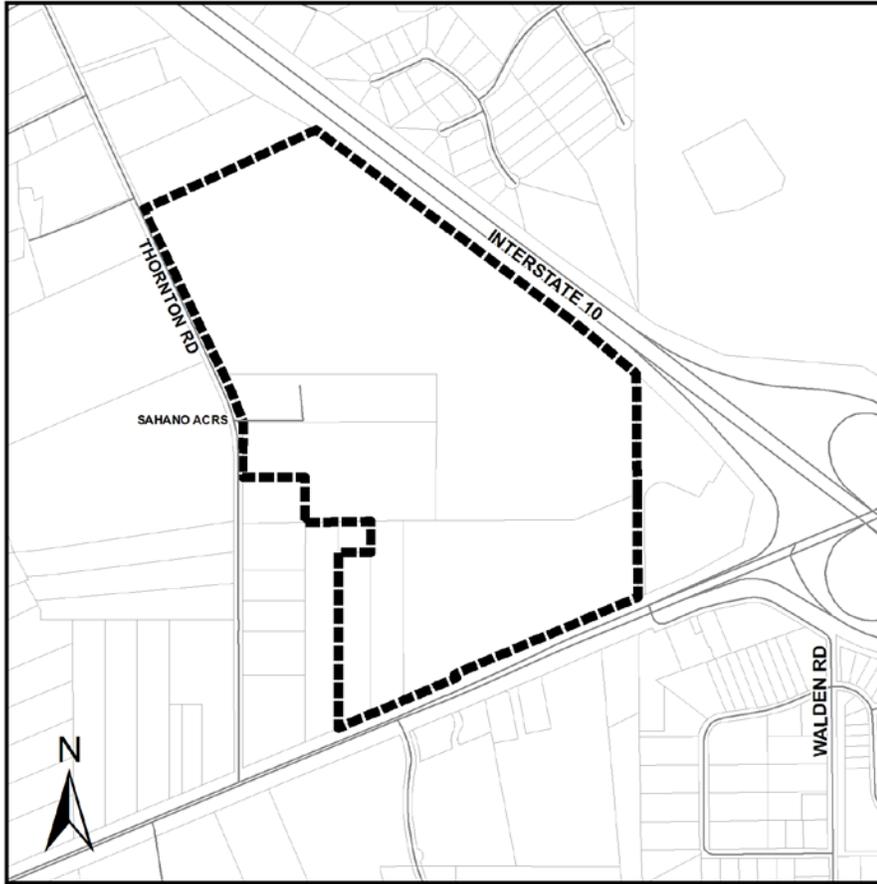
D. PROPOSED TEXT/POLICIES:**New Policy****(Revised April 24, 2012)**Policy 1.1.12 [L]:

The USA as it pertains to the I-10 and Mahan US 90 Area identified on the map below is intended to be one pursuant to Section 163.3164(50), Florida Statutes, having public facilities and services, including, but not limited to, central water and sewer capacity and roads. As a designated statutory USA, pursuant to Section 380.06(29)(c), Florida Statutes, proposed development in the I-10 and Mahan US 90 Area USA on lands outside of the jurisdiction of the City of Tallahassee are exempt from development of regional impact review.

The parcel shown on the map below at the intersection of I-10 and US Highway 90 is within the designated Urban Service Area (USA), as defined in Section 163.3164 (50), Florida Statutes, having public services and facilities, including, but not limited to, central water and sewer capacity and roads. As a parcel within a designated statutory USA, proposed development within the parcel is exempt from the development-of-regional impact process pursuant to Section 380.06(29) (c) 3, Florida Statutes. As part of this exemption, any future development on the parcels shall, in addition to applicable Comprehensive Plan Policies, address the following objectives:

- Provide opportunities for a “main street” component that allows on street parking,
- Provide landscaping, buffering and screening or any of the three options for aesthetic enhancements if building facades are not oriented towards Thornton Road and US 90,
- Incorporate a consistent design theme for freestanding signage throughout the property,
- Coordination of appropriate location for mass transit stops and pedestrian connections to development on the property at the time of development,
- Buildings will incorporate architectural features and patterns that provide visual interest such as building facades that are not uniform in mass or scale and height and pedestrian scale façade treatments such as canopies, overhangs, arcades, gabled entryways, and porticos.

I-10 AND MAHAN US 90 DRI EXEMPTION AREA



E. APPLICANT’S REASON FOR THE AMENDMENT:

The application gives the following basis for the proposed change:

The amendment will provide the I-10 and Mahan US 90 property with a designation that will facilitate the intensification of uses and streamlining of development review by making available an exemption from further Development of Regional Impact Review.

F. STAFF ANALYSIS:

Florida Statutes provide the criteria by which an area may be designated a DRI Exemption Area if it does not qualify as a dense urban land area. This criteria is provided in Section 163.3164 (50), F.S and Section 380.06 (29) (c), F.S which are provided below.

380.06 (29) (c) If a county does not qualify as a dense urban land area pursuant to s.163.3164 designates any of the following areas in its comprehensive plan, any

proposed development within the designated area is exempt from the development of regional impact process:

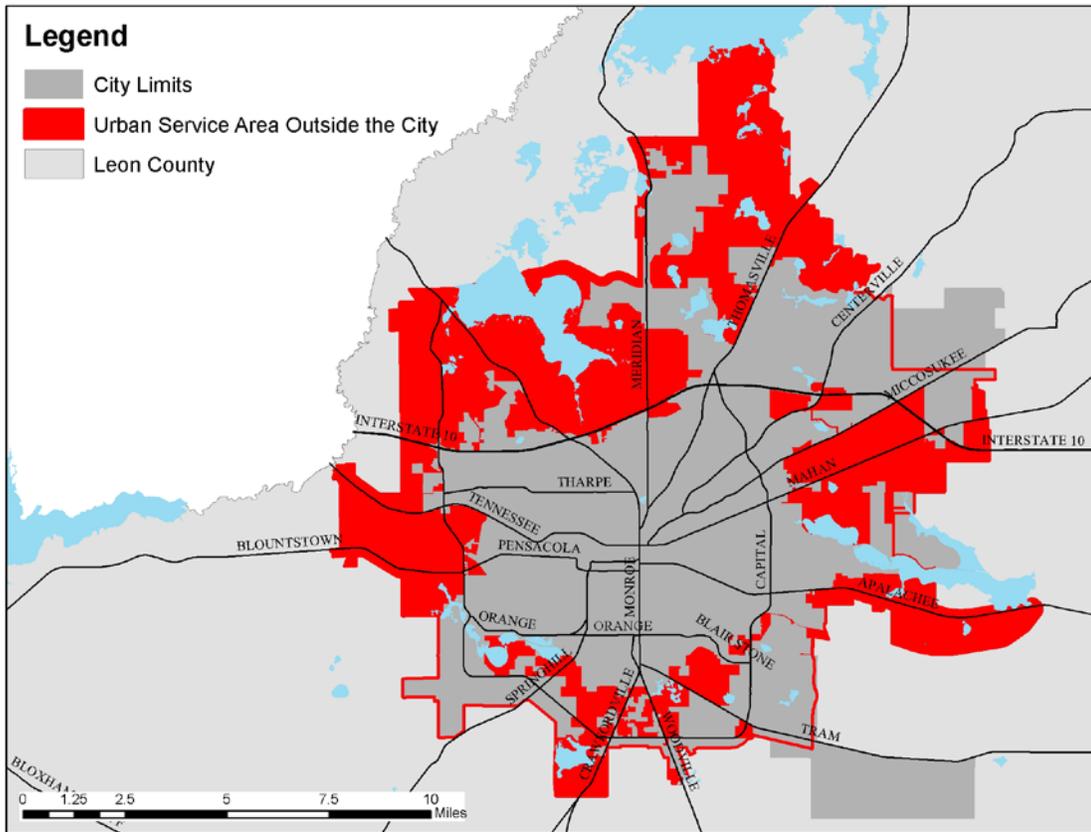
1. Urban infill as defined in s. 163.3164;
2. Urban infill and redevelopment under s. 163.3164; or
3. Urban service areas as defined in s. 163.3164.

163.3164 (50) “Urban service area” means areas identified in the comprehensive plan where public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or are identified in the capital improvements elements. The term includes any areas identified in the comprehensive plan as urban service areas, regardless of local government limitation.

The proposed amendment meets the criteria for designation as a Development of Regional Impact Exemption Area pursuant to Sections 380.06 (29) (c) and 163.3164 (50), F.S. In the Tallahassee-Leon County Comprehensive Plan, the Urban Service Area is established by Objective 1.1 of the Land Use Element. The policy is intended to ensure the accommodation of 90% of the growth in the County through 2030. This growth is to be orderly and well-managed so that the community could develop in a compact, urban development form. This pattern of development was chosen to minimize urban sprawl and to focus growth where infrastructure is in place. Corresponding policies to achieve this objective require that local government provide capital infrastructure improvements within the USA over the planning horizon; and that new development is concentrated within the USA (Land Use Policies 1.1.1 and 1.1.2).

In addition to meeting the statutory requirements for designation as a DRI Exemption Area, the proposed amendment is consistent with local governments’ effort to facilitate and streamline the development review process. The development of regional impact review process can be a time intensive process because it involves local, regional and State review and involvement. While development in the proposed exemption area would most likely require the highest level of review under the County’s Land Development Regulations, the DRI exemption would take it out of regional and State review.

Lastly, previous legislative action provides development of regional impact exemption inside the City of Tallahassee City Limits. If the proposed text amendment is approved by the City and County Commissions, staff recommends that as part of the next amendment cycle the Commissions authorize the Planning Department staff to review potential expansion of the development of regional impact exemption area into other areas of the Unincorporated County inside the existing Urban Service Area. The map which follows provides these potential expansion areas.



G. CONCLUSION:

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

1. The proposed amendment meets the criteria for designation as a Development of Regional Impact (DRI) Exemption Area pursuant to Florida Statutes 380.06 (29) (c) and Florida Statutes 163.3164 (50). The proposed exemption area is within the Tallahassee-Leon County adopted Urban Service Area (USA) and has the necessary infrastructure to support development. Based on the availability of infrastructure, the area within the USA is intended for greater densities and intensities over the planning horizon.
2. The proposed amendment is consistent with local governments' effort to facilitate and streamline the development review process. The Development of Regional Impact review is a lengthy process involving local, regional and State entities. While development in the proposed exemption area would most likely require the highest level of review under the County's Land Development Regulations, the DRI exemption would take it out of regional and State review.

On the basis of the data, analysis and conclusions, Planning Department staff recommends approval of this amendment.