BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA

AGENDA

REGULAR MEETING

Tuesday, April 9, 2013
3:00 P.M.

County Commission Chambers
Leon County Courthouse
301 South Monroe Street
Tallahassee, FL

COUNTY COMMISSIONERS

Nick Maddox, Chairman
At-Large

Bill Proctor
District 1

Jane Sauls
District 2

John Dailey
District 3

Kristin Dozier, Vice Chair
District 5

Bryan Desloge
District 4

Mary Ann Lindley
At-Large

Vincent S. Long
County Administrator

Herbert W. A. Thiele
County Attorney

The Leon County Commission meets the second and fourth Tuesday of each month. Regularly scheduled meetings are held at 3:00 p.m. The meetings are televised on Comcast Channel 16. A tentative schedule of meetings and workshops is attached to this agenda as a "Public Notice." Selected agenda items are available on the Leon County Home Page at: **www.leoncountyfl.gov**. Minutes of County Commission meetings are the responsibility of the Clerk of Courts and may be found on the Clerk's Home Page at **www.clerk.leon.fl.us**

Please be advised that if a person decides to appeal any decision made by the Board of County Commissioners 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 verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. The County does not provide or prepare such record (Sec. 286.0105, F.S.).

In accordance with Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Community & Media Relations, 606-5300, or Facilities Management, 606-5000, by written or oral request at least 48 hours prior to the proceeding. 7-1-1 (TDD and Voice), via Florida Relay Service.

Board of County Commissioners
Leon County, Florida
Agenda

Regular Public Meeting
Tuesday, April 9, 2013

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Mary Ann Lindley

Dr. Jimmy Yu, Sheng Yen Assistant Professor of Chinese Buddhism at Florida State University will provide the Invocation.

AWARDS AND PRESENTATIONS

- Proclamation Recognizing April as National Jazz Month
  (Chairman Nick Maddox)

CONSENT

1. Approval of Minutes: February 12, 2012 Cycle 2013-1 Comprehensive Plan Amendments Workshop and the February 26, 2013 Regular Meeting
   (Clerk of the Courts/Finance/Board Secretary)

2. Ratification of Commissioners Appointments to the Contractors Licensing and Examination Board, Housing Finance Authority, Library Advisory Board, Minority, Women and Small Business Enterprise Committee, and Viva Florida Time Capsule Committee
   (County Administration/Agenda Coordinator)

3. Approval of Capital Region Transportation Planning Agency Interlocal Agreement
   (Capital Region Transportation Planning Agency)

4. Approval of Payment of Bills and Vouchers Submitted April 9, 2013, and Pre-Approval of Payment of Bills and Vouchers for the Period of April 10 through April 22, 2013
   (Financial Stewardship/Office of Management & Budget)

5. Approval of an Amendment to Bond Community Health Center's FY 2012-2013 Contract
   (Human Services & Community Partnerships/Housing Services)

6. Approval to Submit 2013 Florida Department of Health, Bureau of Emergency Medical Services Matching Grant Application
   (Public Services/Emergency Medical Services)

7. Approval of a Resolution to Suspend Assessment of Fees for Requests to Extend Environmental Management Permits as a Part of Economic Stimulus Strategies for Development and Related Activities
   (Public Works & Community Development/DSEM/Environmental Services)

8. Approval of the Proposed Staffing and Customer Service Enhancements at the Department of Development Support and Environmental Management
   (Public Works & Community Development/DSEM/Permit & Code Services)

9. Approve the First Amendment to the State Highway Lighting Maintenance and Compensation Agreement with Florida Department of Transportation
(Public Works & Community Development/Public Works/Engineering)

10. Request to Schedule a Public Hearing to Adopt a Resolution Imposing Special Improvement Liens, and Adoption of a Non-Ad Valorem Assessment Roll for Brushy Creek Road Stormwater Control and Drainage Improvement Project for Tuesday, May 14, 2013 at 6:00 p.m.
(Public Works & Community Development/Public Works/Engineering)

11. Request to Schedule a Public Hearing to Adopt a Resolution Imposing Special Improvement Liens, and Adoption of a Non-Ad Valorem Assessment Roll for Terre Bonne Subdivision Street Improvement Project for Tuesday, May 14, 2013 at 6:00 p.m.
(Public Works & Community Development/Public Works/Engineering)

12. Adoption of a Resolution Supporting Little League as the Baseball/Softball Sports Provider for Leon County
(Public Works & Community Development/Public Works/Parks & Recreation)

Status Reports: *(These items are included under Consent.)*

13. Acceptance of Status Report Regarding Boat Ramp Enhancements and Lake Maintenance
(Public Works & Community Development/Public Works/Parks & Recreation)

14. Acceptance of Status Report on the Huntington Oaks "Sense of Place" Initiative
(Public Works & Community Development/PLACE/Planning)

CONSENT ITEMS PULLED FOR DISCUSSION

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS
3-minute limit per speaker; there will not be any discussion by the Commission

GENERAL BUSINESS

15. Acceptance of Status Report on the 2013 Legislative Session
(Economic Development & Business Partnerships/Special Projects & Intergovernmental Affairs Coordinator)

16. Acceptance of a Status Report and Approval to Implement After-Hours and Weekend Building Inspections for Certain Types of Construction Projects
(Public Works & Community Development/DSEM/Building Plans Review & Inspection)

17. Consideration of Full Board Committee Appointments to the Affordable Housing Advisory Committee, Enterprise Zone Development Agency, and Value Adjustment Board
(County Administration)

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

18. Joint City/County Transmittal Hearing on Cycle 2013-1 Comprehensive Plan Amendments
(Public Works & Community Development/PLACE/Planning)

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS

3-minute limit per speaker; Commission may discuss issues that are brought forth by speakers.

COMMENTS/DISCUSSION ITEMS

Items from the County Attorney

Items from the County Administrator

Discussion Items by Commissioners

RECEIPT AND FILE

None.

ADJOURN

The next Regular Board of County Commissioners Meeting is scheduled for Tuesday, April 23, 2013 at 3:00 p.m.

All lobbyists appearing before the Board must pay a $25 annual registration fee. For registration forms and/or additional information, please see the Board Secretary or visit the County website at www.leoncountyfl.gov

2013

JANUARY

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DECEMBER

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PUBLIC NOTICE

2013 Tentative Schedule

All Workshops, Meetings, and Public Hearings are subject to change

All sessions are held in the Commission Chambers, 5th Floor, Leon County Courthouse unless otherwise indicated. Workshops are scheduled as needed on Tuesdays from 12:00 to 3:00 p.m.

Month	**Day**	**Time**	**Meeting Type**
April 2013	Wednesday 3	*FAC County Commissioner Workshop*	FSU Turnbull Conference Center Tallahassee
	Thursday 4	FAC Legislative Day	Tallahassee
	Friday 5	*FAC County Commissioner Workshop*	FSU Turnbull Conference Center Tallahassee
	Tuesday 9	1:30 – 3:00 p.m.	Workshop on Sidewalk Policy, Priorities, and Funding Options
		3:00 p.m.	Regular Meeting
		6:00 p.m.	Joint City/County Transmittal Hearing on Cycle 2013-1 Comprehensive Plan Amendments
	Monday 15	9:00 a.m. – 1:00 p.m.	Capital Region Transportation Planning Agency (CRTPA) Retreat; **Tallahassee Regional Airport, Conference Room**
	Thursday 18 – Friday 19	*FAC Advanced County Commissioner Workshop*	*Seminar 3 of 3: UF Hilton, Gainesville; Alachua County*
	Tuesday 23	9:00 a.m. – 3:00 p.m.	FY 13/14 Budget Workshop
		3:00 p.m.	Regular Meeting
	Wednesday 24	2:30 p.m.	Community Redevelopment Agency (CRA) Meeting; City Commission Chambers
May 2013	**Tuesday 14**	3:00 p.m.	Regular Meeting
		6:00 p.m.	First and Only Public Hearing on an Ordinance Amending Chapter 10, Division 7, "Historic Preservation District Designation Revisions"
			Public Hearing for Bushy Creek Road Stormwater Control and Drainage Improvements Project Proposed Special Improvement Liens and the Non-Ad Valorem Assessment Roll
			Public Hearing for Terre Bonne Subdivision Street Improvement Project Proposed Special Improvement Liens and the Non-Ad Valorem Assessment Roll
	Monday 20	11:00 a.m.	Community Redevelopment Agency (CRA) Meeting; City Commission Chambers
		1:00 p.m.	Capital Region Transportation Planning Agency (CRTPA) Meeting; City Commission Chambers

Month	**Day**	**Time**	**Meeting Type**
May 2013 ***(Continued)***	**Monday 27**	**Offices Closed**	**MEMORIAL DAY**
	Tuesday 28	3:00 p.m.	Regular Meeting
		6:00 p.m.	Joint City/County Adoption Hearing on Cycle 2013-1 Comprehensive Plan Amendments
June 2013	Tuesday 11	3:00 p.m.	Regular Meeting
	Monday 17	11:00 a.m.	Community Redevelopment Agency (CRA) Meeting; City Commission Chambers
		1:00 p.m.	Capital Region Transportation Planning Agency (CRTPA) Meeting; City Commission Chambers
		3:00 – 5:00 p.m.	IA (BP2000); City Commission Chambers
	Tuesday 18	3:00	Regular Meeting
	Tuesday 25	**No Meeting**	**FAC CONFERENCE**
	Tuesday 25 Friday 28	*FAC Annual Conference*	*Marriott Tampa Waterside Hillsborough County*
July 2013	**Thursday 4**	**Offices Closed**	**JULY 4TH HOLIDAY**
	Monday 8	9:00 a.m. – 5:00 p.m.	FY 13/14 Budget Workshop
	Tuesday 9	9:00 a.m. – 3:00 p.m.	FY 13/14 Budget Workshop, *if necessary*
		3:00 p.m.	Regular Meeting
	Wednesday 10	9:00 a.m. – 2:00 p.m.	FY 13/14 Budget Workshop, *if necessary*
		2:30 p.m.	Community Redevelopment Agency (CRA) Meeting; City Commission Chambers
	Friday 19 – Monday 22	*NACo Annual Conference*	*Fort Worth Convention Center Tarrant County/Ft. Worth, Texas*
	Tuesday 23	**No Meeting**	**BOARD RECESS**
	Wednesday 24 – Saturday 27	***National Urban League Annual Conference***	***Philadelphia, PA***
August 2013	*Friday 9 – Sunday 11*	*Chamber of Commerce Annual Conference*	*Omni Amelia Island Plantation*
	Tuesday 13	**No Meeting**	**BOARD RECESS**
	Tuesday 27	3:00 p.m.	Regular Meeting

Month	**Day**	**Time**	**Meeting Type**
September 2013	**Monday 2**	**Offices Closed**	**LABOR DAY HOLIDAY**
	Monday 16	11:00 a.m.	CRA Meeting; City Commission Chambers
		1:00 p.m.	CRTPA Meeting; City Commission Chambers
		5:00 – 8:00 p.m. 5:30 p.m.	IA (BP 2000); City Commission Chambers Public Hearing on FY 2014 Budget
	Tuesday 17	3:00 p.m.	Regular Meeting
		6:00 p.m.	First Public Hearing Regarding Tentative Millage Rates and Tentative Budgets for FY 2013/2014 *
	Wednesday 18 – Friday 20	*FAC Policy Committee Conference*	*Marriott West Palm Beach Palm Beach County*
	Wednesday 18	*FAC County Commissioner Workshop*	*Marriott West Palm Beach Palm Beach County*
	Wednesday 18 – Saturday 21	*Congressional Black Caucus Annual Legislative Conference*	*Washington, D.C.*
	Sunday 22 – Wednesday 25	*ICMA Annual Conference*	*Boston, Massachusetts*
	Tuesday 24	3:00 p.m.	Regular Meeting
		6:00 p.m.	Second Public Hearing on Adoption of Millage Rates and Budgets for FY 2013/2014*
October 2013	*TBD*	*Advanced County Commissioner Program*	*Part 1 of 3* *UF Hilton, Gainesville; Alachua County*
	Tuesday 8	3:00 p.m.	Regular Meeting
	Monday 21	9:00 a.m. – 1:00 p.m.	CRTPA Retreat; Location TBD
		1:30 p.m.	CRA - *Immediately following CRTPA Retreat*
	Tuesday 22	3:00 p.m.	Regular Meeting
November 2013	**Monday 11**	**Offices Closed**	**VETERAN'S DAY OBSERVED**
	Tuesday 12 – Thursday 14	*County Commissioner Workshops*	*Hilton, Daytona Beach* *Volusia County*
	Wednesday 13 – Friday 15	*FAC Legislative Conference*	*Hilton, Daytona Beach* *Volusia County*
	Tuesday 19	3:00 p.m.	Reorganization of the Board; Regular Meeting
	Monday 25	11:00 a.m.	CRA Meeting; City Commission Chambers
		1:00 p.m.	CRTPA Meeting; City Commission Chambers
	Thursday 28	**Offices Closed**	**THANKSGIVING DAY**
	Friday 29	**Offices Closed**	**FRIDAY AFTER THANKSGIVING DAY**

Month	**Day**	**Time**	**Meeting Type**
December 2013	Monday 9	9:00 a.m. – 4:00 p.m.	Board Retreat
	Tuesday 10	3:00 p.m.	Regular Meeting
	Wednesday 11	2:30 p.m.	Community Redevelopment Agency (CRA) City Commission Chambers
	Tuesday 24	**No Meeting**	**BOARD RECESS**
	Wednesday 25	**Offices Closed**	**CHRISTMAS DAY**
January 2014	**Wednesday 1**	**Offices Closed**	**NEW YEAR'S DAY**

Citizen Committees, Boards, and Authorities

2013 Expirations and Vacancies

www.leoncountyfl.gov/committees/expire.asp

VACANCIES

Affordable Housing Advisory Committee
Board of County Commissioners (4 appointments)
A member who represents employers within the jurisdiction.
A member who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
A member who is actively engaged as an advocate for low-income persons in connection with affordable housing.
A member who is actively engaged as a for-profit provider of affordable housing.

Architectural Review Board
Board of County Commissioners (1 appointment)

Housing Finance Authority
Commissioner – District IV: Desloge, Bryan (1 appointment)

Viva Florida Time Capsule Committee
Commissioner - District I: Proctor, Bill (1 appointment)
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)

EXPIRATIONS

Adjustment and Appeals Board
Tallahassee City Commission (1 appointment)

Architectural Review Board
Tallahassee City Commission (2 appointments)

Canopy Roads Citizens Committee
Tallahassee City Commission (1 appointment)

Enterprise Zone Agency Development (EZDA) Board of Commissioners
Tallahassee City Commission (1 appointment)

Human Services Grants Review Committee
Commissioner - District IV: Desloge, Bryan (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)

Library Advisory Board
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)

Minority, Women & Small Business Enterprise (M/WSBE) Committee
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)

Value Adjustment Board
Board of County Commissioners (1 appointment)

MARCH 31, 2013

Contractors Licensing and Examination Board
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District II: Sauls, Jane G. (1 appointment)

Science Advisory Committee
Tallahassee City Commission (1 appointment)

APRIL 30, 2013

Commission on the Status of Women and Girls
Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District I: Proctor, Bill (1 appointment)
Commissioner - District II: Sauls, Jane G. (1 appointment)
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District IV: Desloge, Bryan (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)

Tallahassee Sports Council
Board of County Commissioners (2 appointments)

MAY 31, 2013

Minority, Women & Small Business Enterprise (M/WSBE) Committee
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District II: Sauls, Jane G. (1 appointment)

JUNE 30, 2013

Adjustment and Appeals Board
Board of County Commissioners (1 appointment)
Tallahassee City Commission (2 appointments)

Leon County Sales Tax Committee
Blueprint Citizens Advisory Committee (1 appointment)
Capital City Chamber of Commerce (1 appointment)
Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District I: Proctor, Bill (1 appointment)
Commissioner - District II: Sauls, Jane G. (1 appointment)
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District IV: Desloge, Bryan (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)
EECC (1 appointment)
Greater Tallahassee Chamber of Commerce (1 appointment)
Tallahassee City Commission (6 appointments)

Planning Commission
Board of County Commissioners (1 appointment)

Workforce Plus
Board of County Commissioners (3 appointments)

JULY 31, 2013

Educational Facilities Authority
Board of County Commissioners (2 appointments)

Enterprise Zone Agency Development (EZDA) Board of Commissioners
Board of County Commissioners (3 appointments)

Investment Oversight Committee
Board of County Commissioners (3 appointments)
Clerk (1 appointment)

Water Resources Committee
Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District I: Proctor, Bill (1 appointment)
Commissioner - District II: Sauls, Jane G. (1 appointment)
Commissioner - District III: Dailey, John (1 appointment)

AUGUST 31, 2013

Canopy Roads Citizens Committee
Tallahassee City Commission (1 appointment)

Code Enforcement Board
Commissioner - At-large II: Maddox, Nick (1 appointment)

SEPTEMBER 30, 2013

Community Development Block Grant Citizen's Advisory Task Force
Board of County Commissioners (2 appointments)

Council on Culture & Arts
Board of County Commissioners (1 appointment)

Housing Finance Authority
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District I: Proctor, Bill (1 appointment)

Research and Development Authority at Innovation Park
Florida A & M (1 appointment)
Tallahassee Community College (1 appointment)

OCTOBER 31, 2013

Canopy Roads Citizens Committee
Board of County Commissioners (2 appointments)

Tourist Development Council
Board of County Commissioners (1 appointment)

DECEMBER 31, 2013

Human Services Grants Review Committee
Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District I: Proctor, Bill (1 appointment)
Commissioner - District II: Sauls, Jane G. (1 appointment)
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District IV: Desloge, Bryan (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)

Library Advisory Board
Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
Commissioner - District II: Sauls, Jane G. (1 appointment)
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District IV: Desloge, Bryan (1 appointment)

Tallahassee/Leon County Cultural Plan Review Committee
Board of County Commissioners (4 appointments)
Capital City Chamber of Commerce (1 appointment)
Economic Development Council (1 appointment)
Greater Tallahassee Chamber of Commerce (1 appointment)
KCCI (1 appointment)
Leadership Tallahassee (1 appointment)
Tallahassee City Commission (4 appointments)

Leon County
Board of County Commissioners

Notes for Agenda Item #1

Leon County
Board of County Commissioners

Cover Sheet for Agenda #1

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of Minutes: February 12, 2013 Cycle 2013-1 Comprehensive Plan Amendments Workshop; and February 26, 2013 Regular Meeting

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	David Reid, Finance Director, Clerk of the Court
Lead Staff/ Project Team:	Rebecca Vause, Board Secretary

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve the minutes of the February 12, 2013 Cycle 2013-1 Comprehensive Plan Amendments Workshop; and February 26, 2013 Regular Meeting.

Attachments:

1. February 12, 2013 Cycle 2013-1 Comprehensive Plan Amendments Workshop
2. February 26, 2013 Regular Meeting

BOARD OF COUNTY COMMISSIONERS
WORKSHOP
CYCLE 2013-1 COMPREHENSIVE PLAN AMENDMENTS
February 12, 2013

The Leon County Board of County Commissioners convened on February 12, 2013 to conduct a workshop on the Cycle 2013-1 Comprehensive Plan Amendments. Attending were Commissioners Nick Maddox (Chairman), Kristin Dozier (Vice Chairman), Bryan Desloge, Jane Sauls, Mary Ann Lindley. Commissioner Proctor was not in attendance. Also attending were County Administrator Vincent Long, County Attorney Herb Thiele, and Board Secretary Rebecca Vause.

Chairman Maddox called the 2013-1 Comprehensive Plan Amendments Workshop to order at 1:31 p.m.

Facilitator(s): Cherie Bryant, Manager, Comprehensive Planning and Urban Design
Brian Weibler, Principal Planner
Steve Hodges, Senior Planner

A. Introductory Comments By Staff:

Ms. Bryant stated the purpose of the workshop was to introduce the Cycle 2013-1 Comprehensive Plan Amendments and to provide an opportunity for the Board to discuss and request additional information. She provided that staff has held two public workshops on the proposed amendments, and another was held by the Local Planning Agency (LPA). She stated that the LPA recommends approval of all amendments and tentative approval has been received by the City Commission. Ms. Bryant advised that no formal vote was needed at this time; however, staff did ask the Board to vote on a tentative position.

B. Review of Proposed Cycle 2013-1 Comprehensive Plan Amendments

- **Monday Road near Capital Circle Southeast -** (PCM130101)
  Applicant: City of Tallahassee **Owner:** Melvin and Marcus Payne

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

  Commissioner Sauls moved, duly seconded by Commissioner Dozier, approval of amendment PCM130101. The motion carried 5-0 (Commissioners Dailey and Proctor out of Chambers).

- **West Brevard Street –** PCM130102
  Applicant and Owner: Lewis Chambers

  Request: "Residential Preservation" to "Central Urban" on lots totaling 1.15 acres located immediately north of West Brevard Street, between Dade Street and Dean Street. The site includes the existing Blue Collar Restaurant, a use which is non-conforming under the current Residential Preservation category.

DRAFT

The requested change would provide relief from the current status as non-conforming and allow the applicant to expand the use.

Commissioner Lindley moved, duly seconded by Commissioner Desloge, approval of amendment PCM130102. The motion carried 5-0 (Commissioners Dailey and Proctor out of Chambers).

- **Truett Drive and Bradford Road –** (PCM130103)
  WITHDRAWN BY APPLICANT

- **Timberlane Road near Market District –** (PCM130104)
  Applicant and Owner: Dr. Darrh Bryant

  Request: "Lake Protection" to "Suburban" on one parcel (approximately 0.5 acres) located at 1234 Timberlane Road. This parcel is presently developed for office use. The existing Lake Protection category does not permit non-residential uses inside the City Limits. The requested Suburban category would provide relief from the current status as non-conforming and allow the applicant to utilize the property as a dental office. Staff is also recommending the surrounding office buildings be included in the amendment (34 properties on about 10 acres).

  Commissioner Desloge moved, duly seconded by Commissioner Dozier, approval of amendment PCM130104. The motion carried 6-0 (Commissioner Proctor out of Chambers).

- **Woodville rural Community Expansion –** (PCM130105)
  Applicant and Owner: Disc Village

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

  Commissioner Dozier moved, duly seconded by Commissioner Dailey, approval of amendment PCM130105. The motion carried 5-0 (Commissioner Desloge and Proctor out of Chambers).

- **Jackson Bluff Road and Ausley Street – (**PCM130106)
  Applicant: Carolyn Bibler **Owner**: Jackson Bluff Properties LLC, Landmark Apartments LLC, Stadium Place of Tallahassee LLC, Greenbriar Partners, LLC

  Request: "Urban Residential–2" to "University Transition" for four parcels totaling 16.42 acres located near Jackson Bluff and Ausley Road. The applicant would like to redevelop this node at Jackson Bluff and Ausley Road with small scale commercial intermixed with higher density housing to support it. The neighborhood scale commercial development would also serve the existing residential neighborhoods in the area.

  Commissioner Sauls moved, duly seconded by Commissioner Desloge, approval of amendment PCM130106. The motion carried 6-0 (Commissioner Proctor out of Chambers).

DRAFT

- **9th Avenue and Thomasville Road –** (PCM130107)
  Applicant: City of Tallahassee **Owner**: Marshall Cassedy, Jr.

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

  Commissioner Desloge moved, duly seconded by Commissioner Dailey, approval of amendment PCM130107. The motion carried 6-0 (Commissioner Proctor out of Chambers).

Chairman Maddox confirmed with staff that the remaining amendments had received no opposition by either the City Commission or the LPA. He then asked fellow Commissioners if there were issues or questions regarding any of the remaining amendments. Commissioner Lindley indicated that she would like more information on PCT130109. Chairman Maddox requested a motion to move the remaining amendments minus PCT130109.

Commissioner Dailey moved, duly seconded by Commissioner Desloge, approval of PCM 130108; PCT130110; PCT130111; PCT130112, AND PCT130113. The motion carried 5-1 (Commissioner Dozier in opposition and Commissioner Proctor out of Chambers).

Commissioner Dozier clarified that her dissenting vote to the motion was not indicative of any opposition to the amendments, but merely her opposition to moving the remaining amendments in mass.

- **Fred George and Old Bainbridge Road –** (PCM130108)
  Applicant: City of Tallahassee **Owner:** Andrews Enterprises Inc. (Jack Buford, Agent)

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

- **Text-Updating Environmental Definitions –** (PCT130110)
  Applicant: Planning Department

  Request: Amend the Glossary of the Comprehensive Plan to update environmental definitions that were recently amended in the City and County Code as part of the Countywide Minimum Environmental Standards project. These changes will avoid confusion between the definitions included in the City and County Code and the definitions in the Comprehensive Plan.

DRAFT

- **Text – Clean up of Policies 1.1.10[M] and 2.3.8 [LU] –** PCT130111)
  Applicant: Planning Department

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

- **Text – Addition of Paul Russell Road Extension to Future right of Way Needs Map –** PCT130112)
  Applicant: Planning Department

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

- **Text – Walaunee Plantation Access from Thornton Road –** PCT130113)
  Applicant: City of Tallahassee Commission

  Request: Amend the Welaunee Critical Area Plan in the Land Use element. The amendment would modify Policy 13.14 to change the allowed roadway access to the Walaunee Toe via Miccosukee Road from a crossing of the Miccosukee Canopy Road Greenway at Arendell Way to a crossing at Thornton Road. The amendment will be subject to site approval of a proposed land exchange to allow for the alternative crossing of the Greenway at Thornton Road.

- **Text-Steep Grade Policy Inside Urban Service Area** - (PCT130109)
  Applicant: Board of County Commissioners

  Request: Amend the Conservation element to remove Comprehensive Plan requirements for the protection of significant and severe grades inside the Urban Service Area. No change is proposed outside of the Urban Service Area. This amendment implements direction provided by the Board of County Commissioner on May 8, 2012 as part of the review conducted for the Countywide Minimum Environmental Standards project.

  Mr. Weibler provided a summary of the text amendment.

  Commissioner Dozier moved, duly seconded by Commissioner Desloge, approval of amendment PCT130109. The motion carried 6-0 (Commissioner Proctor out of Chambers).

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C. Adjournment

Chairman Maddox adjourned the workshop at 2:00 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Nicholas Maddox, Chairman
Board of County Commissioners

BY: _____
Bob Inzer, Clerk of the Court
Leon County, Florida

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BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
February 26, 2013

The Board of County Commissioners of Leon County, Florida, met in regular session with Chairman Nick Maddox presiding. Present were Commissioners Kristin Dozier, Bill Proctor, Mary Ann Lindley, John Dailey, Bryan Desloge, and Jane Sauls. Also present were County Administrator Vincent Long, County Attorney Herb Thiele, Finance Director David Reid and Board Secretary Rebecca Vause.

Chairman Maddox called the meeting to order at 3:00 p.m.

The Invocation was provided by Commissioner Bryan Desloge who then led the Pledge of Allegiance.

Awards and Presentations

- Commissioner Mary Ann Lindley presented a Proclamation congratulating the National High Magnetic Field Laboratory on the five-year renewal grant of $168 million from the National Science Foundation.
  - Dr. Eric Palm, Deputy Lab Director, accepted the Proclamation on behalf of the Mag Lab and its staff.

Consent:
Commissioner Dozier moved, duly seconded by Commissioner Sauls, to approve the Consent Agenda. The motion carried 7-0.

1. Approval of Minutes: January 29, 2013 Attorney/Client Meeting; and January 29, 2013 Regular Meeting

The Board approved Option 1: Approve the minutes of the January 29, 2013 Attorney/Client Meeting; and January 29, 2013 Regular Meeting.

2. Ratification of Commissioners' Appointments to the Capital Region Transportation Planning Authority Citizens Multi-modal Advisory Committee, Development Support & Environmental Management Citizens Users Group, Human Services Grant Review Committee, and Minority, Women and Small Business Enterprise Committee

The Board approved Option 1: Ratify Commissioners' appointments as follows:

a. *Commissioner Lindley appoints Jeff Roberts to the Capital Region Transportation Planning Authority Citizens Multi-modal Advisory Committee.*
b. *Commissioner Proctor appoints Sharon Sapp to the Capital Region Transportation Planning Authority Citizens Multi-modal Advisory Committee.*
c. *Commissioner Sauls appoints John Folks to the Capital Region Transportation Planning Authority Citizens Multi-modal Advisory Committee.*
d. *Commissioner Sauls appoints Bryan Hayden to the Development Support & Environmental Management Citizens Users Group.*
e. *Commissioner Lindley appoints Connie Ruggles to the Human Services Grant Review Committee.*
f. *Commissioner Dailey reappoints Cheri Garbark to the Minority/Women and Small Business Enterprise Committee.*
g. *Commissioner Proctor appoints Paula Duncan to the Minority/Women & Small Business Enterprise Committee.*

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h. Commissioner Desloge appoints Joanie Trotman to the Minority/Women & Small Business Enterprise Committee.

3. Approval of the Proposed Third Amendment to the Disaster Recovery Sub-Recipient Agreement with the City of Tallahassee

The Board approved Option 1: Approve the proposed Amendment to the Disaster Recovery Sub-Recipient Agreement with the City of Tallahassee, and authorize the County Administrator to execute.

4. Approval of Payment of Bills and Voucher Submitted for February 26, 2013, and Pre-Approval of Payment of Bills and Vouchers for the Period of February 27, 2013 through March 11, 2013

The Board approved Option 1: Approve payment of bills and vouchers submitted for February 26, 2013, and Pre-Approval of Payment of Bills and Vouchers for the Period of February 27, 2013 through March 11, 2013.

5. Request to Schedule a First and Only Public Hearing on Consideration of Adoption of an Ordinance Amending Chapter 10, Division 7 of the Leon County Code of Laws, Entitled, "Historic Preservation District Designation Revisions" for Tuesday, May 14, 2013 at 6:00 p.m.

The Board approved Option 1: Schedule the first and only public hearing on consideration of adoption of an ordinance amending Chapter 10, Division 7 of the Leon County Code of Laws, entitled, "Historic Preservation District Designation Revisions" on Tuesday, May 14, 2013 at 6:00 p.m.

6. Acceptance of a Release, Quitclaim, and Termination of Conservation Easement from ABR Construction, Inc. and Ryan M. Dungey for Conservation Easement #7 within The Ridge at Velda Dairy Subdivision

The Board approved Option 1: Approve and accept for recording the Release, Quitclaim, and Termination of Conservation Easement from ABR Construction, Inc. and Ryan M. Dungey for Conservation Easement #7 within the Ridge at Velda Dairy Subdivision.

7. Approval of Off System Project Agreement with Florida Department of Transportation for the Natural Bridge Road Bridge Replacement

The Board approved Options 1 & 2: 1) Approve the proposed Off System Project Agreement with Florida Department of Transportation for the Natural Bridge Road Bridge Replacement, and authorize the County Administrator to execute the Agreement, and 2) Ratify and accept the Warranty Deed from St. Joe as Exhibit B to the Agreement.

8. Approval of Amendment No. 1 to the Department of Environmental Protection Agreement No. T10005 Extending the Completion Date of the Miccosukee Greenway Trail Grant, Phase II, to March 3, 2014

The Board approved Option 1: Approve Amendment No. 1 to the Department of Environmental Protection Agreement No. T10005 to extend the completion date of the Miccosukee Greenway Trail Grant, Phase II, to March 3, 2014, and authorize the County Administrator to execute.

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9. Acceptance of the 2012 Annual Report of the Science Advisory Committee

The Board approved Option 1: Accept the 2012 Annual Report of the Science Advisory Committee.

10. Acceptance of the 2011-2012 Annual Report of the Code Enforcement Board and the Code Compliance Program

The Board approved Option 1: Accept the 2011-2012 Annual Report of the Code Enforcement Board and the Code Compliance Program.

11. Acceptance of Staff Report on Pursuing Sister County Relationships with Prince George's County, Maryland and Montgomery County, Maryland

The Board approved Option 1: Accept the staff report on pursuing sister county relationship with Prince George's County, Maryland and Montgomery County, Maryland and take no further action.

Citizens to be Heard on Non-Agendaed Items (3-minute limit per speaker; there will not be any discussion by the Commission)

- Chairman Maddox confirmed that there were no speakers on Non-Agendaed Items.

General Business

12. Acceptance of Status Report on the Adult Civil Citation Program

Chairman Maddox conveyed that the NAACP has requested that the Board postpone discussion of this item until its March 12, 2013 meeting.

Commissioner Sauls moved, duly seconded by Commissioner Proctor, to continue this item and place it on the March 12, 2013 Board meeting agenda. The motion carried 7-0.

13. Consideration of Full Board Committee Appointments to the Affordable Housing Advisory Committee, Educational Facilities Authority, and Value Adjustment Board

The Board approved the following appointments:

Affordable Housing Advisory Committee (AHAC)

- *Commissioner Proctor moved, duly seconded by Commissioner Dozier, reappointment of Wanda Carter, John Boston Clark, Regina Davis, Nicole Everett, Darryl Jones, Charles Milstead and Mark Worley to the Affordable Housing Advisory Committee. The motion carried 7-0.*

Educational Facilities Authority

- *Commissioner Dozier moved, duly seconded by Commissioner Desloge, appointment of Laura Billberry, to the Educational Facilities Authority. The motion carried 7-0.*

Value Adjustment Board

- *Commissioner Sauls moved, duly seconded by Commissioner Proctor, reappointment of Commissioners Maddox and Dozier to the Value Adjustment Board. The motion carried 7-0.*

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Citizens to be Heard on Non-Agendaed Items (3-minute limit per speaker; Commission may discuss issues that are brought forth by speakers.)

- Chairman Maddox confirmed that there were no speakers on Non-Agendaed Items.

Comments/Discussion Items

County Attorney Thiele:

- No comments.

County Administrator Long:

- Provided an update on local flooding due to the recent rains. He reported that flooding has been isolated to the Fairbanks Ferry Road area and Crooked Road. Public Works, the Sheriff's Office, EMS, Community/Media Relations and the County Health Department have been closely monitoring the County's response efforts. He remarked that staff will continue to closely monitor the situation. County Administrator Long requested the Board bring to his attention any constituent issues.
  - A Proclamation Declaring a Local State of Emergency has been signed by Chairman Maddox.
  - Commissioner Dailey inquired the approximate time when the Ochlockonee River is expected to crest. Tony Park, Director of Public works and Community Development responded that the river's crest is forecasted for the later part of the week.
  - Commissioner Dozier confirmed that there was no extreme flooding in the Chaires/Bucklake area.
- The following announcements/reminders were offered:
  - The EDC will hold its annual Winter Forum on February 28th at the Turnbull Center beginning at 11:30 with a focus on "Cultivating an Entrepreneurial Community." Commissioner Dozier will be a featured speaker.
  - The 24th Annual National African-American Read-In will take place on Thursday, February 28 from 6:00 - 8:00 p.m. at the Main Library.
  - Town and Gown will hold its first organizational meeting this week. Ken Morris, Director, Office of Economic Development & Business Partnerships, has been designated to represent the County.
  - The annual NACo Legislative Conference will be held next week in Washington, D.C. There are six Commissioners scheduled to attend and he looks forward to joining them on the Hill to meet with the Congressional Delegation.
  - The 2013 Legislative Session begins next week. The Board will receive weekly Capitol Updates and calls to action throughout the session.
  - The County will host the grand opening of the Planning Departments' Design Studio on Thursday, March 7th from 4:00 to 7:00 p.m.
  - March 13th is Florida Tourism Day at the Capitol. The Tourism Division reminds and welcomes the Board to attend the block party on Adams Street from 5:00 – 8:00 p.m. The block party is sponsored by a number of statewide organizations that will host visitors that week.
  - Announced that the Timberlake Project has received the American Public Works Association's Florida Project of the Year for an environmental project under $5 million. The project now will compete on the national level. A formal presentation will be made to the Board once the award is received.

- Maggie Theriot, Director, Office of Resource Stewardship, introduced Robert Mills as the new Solid Waste Director.

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Commissioner Discussion Items

Commissioner Desloge:

- Congratulated Mr. Park on the recognition for the Timberlake project.
- Acknowledged the grand-opening of the Northwest Community Center.
- Mentioned that as Florida Association of Counties (FAC) President he has over the last three weeks visited with every major paper's Editorial Board.
- Stated that he receives complaints periodically about the illegal placement of signs littering the right of way, usually by commercial enterprises. He suggested there may be a way to use robocalls as a method of alerting the offenders of the inappropriate placement of signs and requesting they be removed.
  - *Commissioner Desloge moved, duly seconded by Commissioner Dozier, to request staff bring back an agenda item regarding the feasibility of instituting a robocalls policy regarding the illegal placement of signs. The motion carried 7-0.*

Commissioner Proctor:

- Announced that the FAMU High Girls Basketball team has repeated as Class 2-A State Champions and finished the year with a 25-4 record.
  - *Commissioner Proctor moved, duly seconded by Commissioner Desloge, approval for a Proclamation recognizing the FAMU High Girls Basketball team as Class 2-A State Champions. The motion carried 7-0.*
- Spoke to Agenda Item #11. He requested the Board's approval for him to explore relations with Prince George and Montgomery Counties, while he is in Washington, D.C. attending the NACo Legislative Conference. *Approved without Objection*.
- Invited all to the UniverSoul Circus currently performing at the fairgrounds February 26 & 27.

Commissioner Dailey:

- Thanked staff for a wonderful grand opening of the Northwest Community Center.

Commissioner Sauls:

- No comments.

Commissioner Lindley:

- No comments.

Commissioner Dozier:

- *Commissioner Dozier moved, duly seconded by Commissioner Desloge, approval to present a Proclamation in support of the Talla-Happy Sunflower initiative at the March 12 meeting. The motion carried 7-0.*
- *Commissioner Dozier moved, duly seconded by Commissioner Desloge, approval of a Proclamation in support of Brain Awareness Week, to be presented at the March 12, 2013 Board meeting. The motion carried 7-0.*
- Encouraged fellow Commissioners to consider attending the EDC annual Winter Forum on February 28th.
- Welcomed Robert Mills, new Solid Waste Director.

Chairman Maddox:

- No comments.

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Receipt and File:

- None

Adjourn:

There being no further business to come before the Board, Commissioner Desloge moved, duly seconded by Commissioner Dozier to adjourn the meeting at 3:25 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Nicholas Maddox, Chairman
Board of County Commissioners

BY: _____
Bob Inzer, Clerk of the Court
Leon County, Florida

DRAFT

Leon County
Board of County Commissioners

Notes for Agenda Item #2

Leon County
Board of County Commissioners

Cover Sheet for Agenda #2

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Ratification of Commissioners' Appointments to the Contractors Licensing and Examination Board, Housing Finance Authority, Library Advisory Board, Minority, Women and Small Business Enterprise Committee, and Viva Florida Time Capsule Committee

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Christine Coble, Agenda Coordinator

Fiscal Impact:
This item has no fiscal impact to the County.

Staff Recommendation:
Option #1: Ratify Commissioners' appointments as follows:

a. Commissioner Desloge appoints Tom Lewis to the Housing Finance Authority.
b. Commissioner Dailey appoints Bill Summers to the Library Advisory Board.
c. Commissioner Dozier appoints Carole Fiore to the Library Advisory Board.
d. Commissioner Dailey appoints Christi Hale to the Minority/Women and Small Business Enterprise Committee.
e. Commissioner Dailey appoints Laura Lee Corbett to the Viva Florida Time Capsule Committee.
f. Commissioner Dozier appoints Kim Galban-Countryman to the Viva Florida Time Capsule Committee.
g. Commissioner Proctor appoints Paula Deboles-Johnson to the Viva Florida Time Capsule Committee.

Option #2: Waive Policy No. 03-15, "Board-appointed Advisory Committees," regarding term limits, to provide for Commissioner Maddox to reappoint Katherine Beck to the Contractors Licensing and Examination Board.

Report and Discussion

Background:

At its August 23, 2011 meeting, the Board approved the revised process for Advisory Committee appointments by having a Consent item prepared for individual Commissioner appointments.

Analysis:

Contractors Licensing and Examination Board (CLEB)

Members serve three-year terms, with each Commissioner having one appointment. Such board should include, whenever possible, one architect or engineer, one business person, one general contractor or other contractor (building & residential) one pool contractor or other contractor (building, residential, or general), and three consumer representatives who may be any resident of Leon County that is not, and has never been, a member or practitioner of a profession regulated by the contractors licensing and examination board or a member of any closely related profession. All members of the CLEB, except for the consumer representatives, should be licensed in this state and actively engaged in the profession they represent on such board (Attachment #1).

The term of Katherine Beck, Consumer Representative, **(Commissioner Maddox),** expired March 31, 2013. Ms. Beck has served since 2001, completing her 4th term and would not be eligible for reappointment due to term limits. Commissioner Maddox notes that during her tenure as a member of the CLEB, Ms. Beck is in good standing with the CLEB and attends meetings regularly. Additionally, her years of experience provides her with a wealth of information regarding Board procedures/policy, Chapter 10 of the Leon County Code of Laws, and the Florida Building Code. Therefore, Commissioner Maddox requests the Board waive Policy No. 03-15, "Board-appointed Advisory Committees," regarding term limits to provide for Commissioner Maddox to reappoint Ms. Beck (Attachment #2).

Housing Finance Authority (HFA)

Members serve four-year terms, with each Commissioner making one appointment; no less than three members should be knowledgeable in one of the following fields: labor, finance, or commerce. Members of the HFA also serve on the Community Development Block Grant (CDBG) Task Force (Attachment #3). Michael Hervey (Commissioner Desloge) has resigned (Attachment #4); therefore, an appointment is needed to fill the unexpired term (September 30, 2015. An application from Tom Lewis has been submitted (Attachment #5).
Commissioner Desloge appoints Tom Lewis.

Library Advisory Board (LAB)

Members serve two-year terms, expiring December 31, with each Commissioner making one appointment. The Library Advisory Board serves as a forum for community input concerning library programs and activities and as a liaison and advocate for the library (Attachment #6). The term of Brian Lupiani (Commissioner Dozier) expired December 31, 2012. Mr. Lupiani has served four terms (2004); therefore, according to Policy No. 03-15, Mr. Lupiani is no longer eligible to serve.

Additionally, member Carrie Blanchard (Commissioner Dailey) has resigned (Attachment #7).
An appointment is needed to fill the unexpired term (December 2013).

Applications were submitted from Carole Fiore (Attachment #8) and Bill Summers (Attachment #9) expressing interest in serving on the Library Advisory Board.
Commissioner Dailey appoints Bill Summers.
Commissioner Dozier appoints Carole Fiore.

Minority, Women and Small Business Enterprise Committee
Members serve two-year terms, with four terms expiring on January 31 and three terms expiring on May 30. The MWSBE Committee reviews the M/WSBE Program. Each Commissioner has one appointment (Attachment #10). The term of Cheri Garbark (Commissioner Dailey) expired January 31, 2013. Ms. Garbark submitted her resignation (Attachment #11). An application was received from Christi Hale (Attachment #12).
Commissioner Dailey appoints Christi Hale.

Viva Florida Time Capsule Committee
At the January 29, 2013 meeting, the Board adopted an Enabling Resolution establishing the Viva Florida Time Capsule Committee (Attachment #13). The Committee is comprised of seven Leon County residents (one appointment per Commissioner), and have the responsibility of leading the effort of recommending and collecting the items for the time capsule. Additionally, the Committee is charged with gathering public input on determining the appropriate items that capture the events, policies, literature, and technologies that shape the community. Applications have been received from Paula Deboles-Johnson (Attachment #14), Laura Lee Corbett (Attachment #15), and Kim Galban-Countryman (Attachment 16).
Commissioner Dailey appoints Laura Lee Corbett.
Commissioner Dozier appoints Kim Galban-Countryman.
Commissioner Proctor appoints Paula Deboles-Johnson.

Options:
Option #1: Ratify Commissioners' appointments as follows:

a) Commissioner Desloge appoints Tom Lewis to the Housing Finance Authority.
b) Commissioner Dailey appoints Bill Summers to the Library Advisory Board.
c) Commissioner Dozier appoints Carole Fiore to the Library Advisory Board.
d) Commissioner Dailey appoints Christi Hale to the Minority/Women and Small Business Enterprise Committee.
e) Commissioner Dailey appoints Laura Lee Corbett to the Viva Florida Time Capsule Committee.
f) Commissioner Dozier appoints Kim Galban-Countryman to the Viva Florida Time Capsule Committee.
g) Commissioner Proctor appoints Paula Deboles-Johnson to the Viva Florida Time Capsule Committee.

2. Waive Policy No. 03-15, "Board-appointed Advisory Committees," regarding term limits, to provide for Commissioner Maddox to reappoint Katherine Beck to the Contractors Licensing and Examination Board. direction.

3. Board direction.

Recommendation:
Options #1, a-g, and #2.

Attachments:

1. Eligibility and Criteria – Contractors Licensing and Examination Board (CLEB)
2. Email from Commissioner Maddox regarding Katherine Beck (CLEB)
3. Eligibility and Criteria – Housing Finance Authority (HFA)
4. Resignation of Michael Hervey – (HFA)
5. Application – Tom Lewis – (HFA)
6. Eligibility and Criteria – Library Advisory Board
7. Resignation of Carrie Blanchard (Library Advisory Board)
8. Application – Carole Fiore (Library Advisory Board)
9. Application – Bill Summers (Library Advisory Board)
10. Eligibility and Criteria – Minority/Women Small Business Enterprise Committee
11. Resignation of Cheri Garbark (MWSBE Committee)
12. Application – Christi Hale (MWSBE Committee)
13. Enabling Resolution – Viva Florida Time Capsule Committee
14. Application – Paula Deboles-Johnson - Viva Florida Time Capsule Committee
15. Application – Laura Lee Corbett – Viva Florida Time Capsule Committee
16. Application – Kim Galban-Countryman - Viva Florida Time Capsule Committee

Contractors Licensing and Examination Board

Responsibility:
Accepts and approves or disapproves applications; Administers Examinations for contractors licenses; Issues contractor certificates; Conducts hearings and Disciplines contractors for violations of building codes or State Statutes

Created By:
County Ordinance 74-22, Amended 9/8/1998

Appointments:
7 members. Each commissioner appoints one member. Building Inspection Department Director serves as non-voting member and keeps records of all proceedings.

1. General/Residential/Pool Contractor At Large I
2. Building/General/Residential/Pool Contractor
3. Business Person
4. Architect or Engineer
5. Consumer Representative
6. Consumer Representative
7. Consumer Representative

Terms:
3 years. Terms expire March 31. Number of terms allowed not specified in the Ordinance. No member may serve more than three consecutive terms. Vacancies filled for remainder of unexpired term.

Eligibility Criteria:
The contractors licensing and examination board shall consist of seven members to be appointed by the Board of County Commissioners. Such board shall include whenever possible, one architect or engineer, one business person, one general contractor or other contractor (building & residential) who is registered or certified under Section 489.105(3)(a) (c). F.S., one pool contractor or other contractor (building, residential, or general) who is registered or certified under Section 489.105(3)(d) (o). F.S., and three consumer representatives who may be any resident of Leon County that is not, and has never been, a member or practitioner of a profession regulated by the contractors licensing and examination board or a member of any closely related profession. All members of the board, except for the consumer representatives, shall be licensed in this state and actively engaged in the profession they represent on such board. All members shall be voters registered in the County.

Schedule:
First Thursday of each month, 4:30 p.m.; Renaissance Building, 2nd Floor Conference Room
435 N. Macomb Street

Contact Person / Staff:
Ed Jarriel, Building Inspector, Growth and Environmental Management
Jessica Koon, Contractors Licensing Board Administrator
435 N. Macomb Street, 2nd Floor
Tallahassee, FL 32301
606-1300; 606-1301 - Fax

CLEB Attorney
Laura Youmans, Asst. County Attorney
301 S. Monroe St.
Tallahassee, FL 32301
606-2500

From: Catherine Jones
To: Coble, Christine
Date: 3/27/13 3:11 PM
Subject: Contractors Licensing and Examination Board

Christine,

Commissioner Maddox would like to waive the current policy regarding term limits as it pertains to the Contractors Licensing and Examination Board and reappoint Katherine Beck, Consumer Representative. Ms. Beck has demonstrated her commitment to this citizen's board and the Commissioner would like her to continue as his appointee.

Please let me know at your earliest convenience should you require additional information.

Best regards,
Cathy

Housing Finance Authority

Responsibility:
Encourages investment by private enterprise and stimulates construction and rehabilitation of housing through use of public financing. The Authority is authorized to issue and sell bonds, but first must seek approval of BCC.

The Ordinance requires:
Section 8: Any bonds to be issued and sold by the HFA on the negotiated basis authorized in Sec. 159.613(2), FS, 1979, shall first be approved by resolution of the BCC, both as to the documents and the method of sale by the HFA.
Section 9: Any rules or regulations to be promulgated by the HFA setting forth standards or criteria for determining "eligible persons" in the program shall be submitted to and approved by the BCC prior to implementation.
Section 10: Contracts by the HFA shall first be approved by resolution of the BCC.
Section 11: The exercise of any of the powers hereby authorized or conferred is subject to the power of the BCC to approve the budget of the HFA.

Created By:
Ch. 159, Part IV, F.S.; Leon County Ordinance 80-39

Appointments:
7 - BCC Each Commissioner has an appointment.

Terms:
4 years, (a member holds office until his/her successor has been appointed and has qualified); Terms expire September 30. Number of terms allowed not specified in the statue or ordinance. Vacancies filled for remainder of unexpired term.

Eligibility Criteria:
No less than 3 members shall be knowledgeable in one of the following fields: labor, finance, or commerce.

Schedule:
Meets second Thursday of each month, from 11:30 a.m. to 1 p.m., at the Amtrack Building Training Room located on Railroad Avenue.

Contact Person / Staff:
Mr. Lamarr Kemp
Housing Services
Office of Human Services & Community Partnerships
606-1900
email: kempl@leoncountyfl.gov

Bond Counsel: Robert Reid
Bryant, Miller & Olive
101 North Monroe Street, Suite 900
Tallahassee, Florida 32301
Phone: 222-8611

Financial Advisor: David Moore
Public Financial Management
300 S. Orange Avenue, Suite 1170
Orlando, Florida 32801
Ph: (407)-648-2208
FAX: (407)-648-1323
and
Joe Litten
Public Financial Management
50 California Street, Suite 2300
San Francisco, CA 94111
Ph: (415)-982-5544

Members:

Sharkey, Jeffrey Capitol Alliance Group	Begin Term: 7/12/2011 End Term: 9/30/2013 Type: unexpired term	Original Date: 7/12/2011 Appointed by: Nick Maddox Commissioner At-large II	Email: jeff@capitolalliancegroup.com
Milon, Gail	Begin Term: 9/22/2009 End Term: 9/30/2013 Type: four years	Original Date: 9/22/2009 Appointed by: Bill Proctor Commissioner District I	Email:gmilon@metlife.com
Hervey, Michael Affordable Housing Solutions Tallahassee, LLC **RESIGNED**	Begin Term: 10/14/2011 End Term: 9/30/2015 Type: four years	Original Date: 8/25/2009 Appointed by: Bryan Desloge Commissioner District IV	Email: mhervey2000@yahoo.com
Davis, James (Jim) E.	Begin Term: 10/14/2011 End Term: 9/30/2015 Type: four years	Original Date: 1/18/2011 Appointed by: John Dailey Commissioner District III	Notes: Email: jim@jamesdaviscpa.com

Stucks, Allen	Begin Term: 10/14/2011 End Term: 9/30/2015 Type: four years	Original Date: 12/14/2010 Appointed by: Jane G. Sauls Commissioner District II	Notes: Email: stucksfam@comcast.net
Gaver, Patrick Branch Banking & Trust	Begin Term: 1/29/2013 End Term: 9/30/2016 Type: four years	Original Date: 4/13/2010 Appointed by: Mary Ann Lindley Commissioner At-large I	Notes: Email: pgaver@bbandt.com
Rogers, Mike	Begin Term: 10/23/2012 End Term: 9/30/2016 Type: four years	Original Date: 8/23/2011 Appointed by: Kristin Dozier Commissioner District V	Notes: Email: Mike@Green-BuildingGroup.com

Michael Hervey
109 Bienville Avenue
Mobile, Al. 36606
(850) 766-9004

Via Facsimile

September 18, 2012

Mr. Bryan Desloge
Commissioner
Leon County
301 South Monroe Street
Tallahassee, Fl 32301

Re: Housing Finance Agency Board Resignation

Dear Commissioner Desloge:

Due to my recent relocation from Tallahassee, FL to Mobile, AL, I will no longer be able to serve on the Leon County Housing Finance Agency (HFA).

I thank you for your leadership and the opportunity to serve the citizens of Leon County. I would also like to express my appreciation for working with a very dedicated staff.

It has been a wonderful experience.

Sincerely,

Michael Hervey

Copy:

Brenda Tanner, Commissioner Aide
✓ Candice Wilson, Director Health and Human Services

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Christine Coble
by telephone at 606-5300 or by e-mail at CobleC@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Thomas Lewis | Date: 12-Mar-2013

Home Phone: (850) 893-0991 | Work Phone: (850)228-9756X | Email: nupe1963@aol.com

Occupation:RETIRED | Employer: FORMER DIRECTOR OF ECON. COMMUNITY DEVEL. C

Preferred mailing location: Home Address
Work Address:

City/State/Zip: TALLAHASSEE FL

Home Address 7099 OX BOW ROAD

City/State/Zip: TALLAHASSEE FL 32312

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 20.00years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference
1st Choice: Housing Finance Authority 2nd Choice:Housing Finance Authority

What cultural arts organization do you represent, if any?
NONE

If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please note those areas in which you are interested:
HOUSING FINANCE

If you are appointed to a Committee, you are expected to attend regular meetings.
How many days permonth would you be willing to commit for Committee work? 4 or more
And for how many months would you be willing to commit that amount of time? 6 or more
What time of day would be best for you to attend Committee meetings? Day

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race:African American Sex:Male Age: 67
Disabled? No District:

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

I BELIEVE MY EXPERIENCE AS THE FORMER DIRECTOR OF ECONOMIC COMMUNITY DEVELOPMENT WILL CONTRIBUTE TO THE HOUSING FINANCE COMMITTEE'S MISSION.

References (you must provide at least one personal reference who is not a family member):

Name: ANITA FAVORS THOMPSON, COT CITY MTelephone: 850-891-8181
Address: TALLAHASSEE CITY HALL

Name: THOMAS COE, COT ASST CITY MANA Telephone: 850-891-8181
Address: TALLAHASSEE CITY HALL

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP
AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp BEFORE YOUR APPLICATION IS DEEMED COMPLETE.

Have you completed the Orientation? Yes
Are you willing to complete a financial disclosure form and/or a background check, if applicable? Yes

Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? No
If yes, from whom?
Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? No

Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? No
If yes, please explain.

Do you or your employer, or your spouse or child or their employers, do business with Leon County? No
If yes, please explain.

Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? No
If yes, please explain.
All statements and information provided in this application are true to the best of my knowledge.

Signature: Thomas H Lewis

This application was electronically sent: 3/12/2013 9:22:49AM

Library Advisory Board

Responsibility:

Serves as a forum for community input concerning library programs and activities and as a liaison and advocate for the library.

Created By:

Created by the BCC in 1955.

Revised, By-laws written in 1988

Appointments:

7 – Each Commissioner has one appointment

Terms:

2 years. Terms expire December 31. Number of terms allowed is three consecutive terms. Vacancies fill remainder of unexpired term.

Eligibility Criteria:

Not specified.

Schedule:

Meetings are held the first Tuesday of each month, at 10:00 am in the Library Board Room.

Contact Person/Staff:

Cay Hohmeister, Director

Library Services

606-2665

email: hohmeisterc@leoncountyfl.gov

Members:

LUPIANI, BRIAN **INELIGIBLE**	Begin Term: 12/14/2010 End Term: 12/31/2012 Type: two years	Original Date: 11/16/2004 Appointed by: Kristin Dozier Commissioner District V	Notes: Email: brianlupiani@yahoo.com
Doffek, Pamala	Begin Term: 2/28/2012 End Term: 12/31/2013 Type: two years	Original Date: 2/28/2012 Appointed by: Mary Ann Lindley Commissioner At-large I	Notes: Email: pamdoffek@cci.fsu.edu

Blanchard, Carrie **RESIGNED**	Begin Term: 2/28/2012 End Term: 12/31/2013 Type: two years	Original Date: 2/28/2012 Appointed by: John Dailey Commissioner District III	Notes: Email: cblanchard@flfoundation.org
Lovelace, Julie	Begin Term: 2/28/2012 End Term: 12/31/2013 Type: two years	Original Date: 2/28/2012 Appointed by: Jane G. Sauls Commissioner District II	Notes: Email: julielovelace@comcast.net
Labat, Marcia	Begin Term: 12/11/2012 End Term: 12/31/2014 Type: two years	Original Date: 12/11/2012 Appointed by: Nick Maddox Commissioner At-large II	Notes: Email: marcialabat@comcast.net
Timmons, Christopher	Begin Term: 1/29/2013 End Term: 12/31/2014 Type: two years	Original Date: 1/29/2013 Appointed by: Bryan Desloge Commissioner District IV	Notes: Email: chris@floridanetwork.org
Jackson, Eddie	Begin Term: 12/11/2012 End Term: 12/31/2014 Type: two years	Original Date: 12/11/2012 Appointed by: Bill Proctor Commissioner District I	Notes: Email: ejack1152@aol.com

Dear Chairman Abberger,

Please accept this letter of resignation related to my service on the Leon County Library Advisory Board.

Given general timing I will be unable to join you for a final meeting, so if you would please pass along regards to the Board on my behalf. It has been a distinct pleasure to serve our community in this capacity and I expect that the experience will stay with me as I pursue a career in higher education. A letter of resignation has also been provided to Commissioner John Dailey.

Here's to a great future for our public libraries ---

Best,
Carrie

Carrie Blanchard Bush, Ph.D.
Director of Research and Public Policy
Florida Chamber Foundation
136 South Bronough Street
Tallahassee, FL 32301
Phone: 850.521.1283
Fax: 850.521.1239
www.FLFoundation.org

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Christine Coble
by telephone at 606-5300 or by e-mail at CobleC@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Carole D. Fiore | Date: 07-Nov-2012

Home Phone: (850) 656-8474 | Work Phone: | Email: carole@fiore-tlc.biz

Occupation: LIBRARY CONSULTANT (SEMI-R | Employer: SELF

Preferred mailing location: Home Address
Work Address:

City/State/Zip: TALLAHASSEE FL

Home Address 4651 FLEDGLING DRIVE

City/State/Zip: TALLAHASSEE FL 32311

Do you live in Leon County? Yes If yes, do you live within the City limits? Yes
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 22.00years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference
1st Choice: Library Advisory Board 2nd Choice: Council on Culture & Arts

What cultural arts organization do you represent, if any?

If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please note those areas in which you are interested:

If you are appointed to a Committee, you are expected to attend regular meetings.
How many days permonth would you be willing to commit for Committee work? 2 to 3
And for how many months would you be willing to commit that amount of time? 6 or more
What time of day would be best for you to attend Committee meetings? Day

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian Sex: Female Age: 66
Disabled? No District: District 5

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

MS IN LIBRARY SCIENCE.
SERVED AS A LIBRARY CONSULTANT WITH THE STATE LIBRARY OF FLORIDA FROM 1990-2006;
OPENED MY OWN INDEPENDENT LIBRARY CONSULTING COMPANY IN 2006.
SERVED AS PRESIDENT OF THE ASSOCIATION FOR LIBRARY SERVICES TO CHILDREN, A DIVISION OF THE AMERICAN LIBRARY ASSOCIATION.
SERVED ON THE ADVISORY BOARD FOR THE PARKWAY FAMILY YMCA.
CURRENTLY SERVES AS THE CHAIR OF THE EXECUTIVE COMMITTEE FOR THE (FSU) UNIVERISTY MUSICAL ASSOCIATES.

References (you must provide at least one personal reference who is not a family member):

Name: RUTH O'DONNELL Telephone: 850-668-6911
Address: 3509 TRILLIUM COURT, TALLAHASSEE

Name: DEBRA SEARS Telephone: 850-606-2665 (W
Address: 2959 COMPTON WÄY, TALLAHASSEE

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP
AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp BEFORE YOUR APPLICATION IS DEEMED COMPLETE.

Have you completed the Orientation? No
Are you willing to complete a financial disclosure form and/or a background check, if applicable? Yes

Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? No
If yes, from whom?
Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? No

Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? No
If yes, please explain.

Do you or your employer, or your spouse or child or their employers, do business with Leon County? No
If yes, please explain.

Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? No
If yes, please explain.
All statements and information provided in this application are true to the best of my knowledge.

Signature: Carole D. Fiore

This application was electronically sent: 11/7/2012 12:29:35PM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Christine Coble
by telephone at 606-5300 or by e-mail at CobleC@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: F. Wiilliam (Bill) Summers | Date: 07-Mar-2013

Home Phone: (850) 385-5038 | Work Phone: | Email: summersbill@comcast.net

Occupation: RETIRED | Employer: LAST FLORIDA STATE UNIVERSITY

Preferred mailing location: Home Address
Work Address:

City/State/Zip: FL

Home Address 505 LIVE OAK PLANATATION RD.

City/State/Zip: FL 32312

Do you live in Leon County? Yes If yes, do you live within the City limits? Yes
Do you own property in Leon County? Yes If yes, is it located within the City limits? Yes
For how many years have you lived in and/or owned property in Leon County? 28.00 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference
1st Choice: Library Advisory Board 2nd Choice:

Caucasian Male 80

If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please note those areas in which you are interested: No NONE District 3

If you are appointed to a Committee, you are expected to attend regular meetings.
How many days permonth would you be willing to commit for Committee work? 4 or more Day, Night
And for how many months would you be willing to commit that amount of time? 6 or more
What time of day would be best for you to attend Committee meetings? Day or Night

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: White Sex: M Age: 80
Disabled? District: 3

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

References (you must provide at least one personal reference who is not a family member):

Name: DR. ROBERT BRADLEY. VICE PRESIDENTelephone: 644-0797
Address: WESTCOTT0212A,323061310

Name: DR. WAYNE WEIGAND, PROFERSSOR Telephone: 850-641-8123
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP
AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp BEFORE YOUR APPLICATION IS DEEMED COMPLETE.

Have you completed the Orientation? Yes
Are you willing to complete a financial disclosure form and/or a background check, if applicable? Yes

Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? No
If yes, from whom?
Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? No

Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? No
If yes, please explain.

Do you or your employer, or your spouse or child or their employers, do business with Leon County? No
If yes, please explain.

Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? No
If yes, please explain.
All statements and information provided in this application are true to the best of my knowledge.

Signature: F. William (Bill) Summers

This application was electronically sent: 3/7/2013 7:41:50PM

Minority, Women & Small Business Enterprise (M/WSBE) Committee

Responsibility:
Reviews M/WSBE Program.

Created By:
Created by the BCC in 1987.

Appointments:
7 - Each Commissioner appoints one member.

Terms:
2 years. Expiration: 4 on January 31; 3 on May 30. Number of terms allowed is three. Vacancies filled for remainder of unexpired term.

Schedule:
As needed.

Contact Person/Staff:
Shanea Wilks, Director
M/WSBE Division
Office of Economic Development & Business Partnerships
Office: (850) 606-1650
Fax: (850) 606-1651

E-mail: WilksSh@leoncountyfl.gov

Members:

Brown, Clifton L.	Begin Term: 2/22/2011 End Term: 1/31/2013 Type: two years	Original Date: 1/30/2001 Appointed by: Bryan Desloge Commissioner District IV	Notes: Business: 21st Century Development Email: clifton.brown@famu.edu
Garbark, Cheri	Begin Term: 3/15/2011 End Term: 1/31/2013 Type: two years	Original Date: 3/15/2011 Appointed by: John Dailey Commissioner District III	Notes: Business: Lewis Property Management Email: cherigarbark@yahoo.com

Williams, Frank Florida Development Incorporated	Begin Term: 2/22/2011 End Term: 1/31/2013 Type: two years	Original Date: 1/31/1989 Appointed by: Kristin Dozier Commissioner District V	Notes: Business: Florida Developers, Inc. Email: frank@fldevelopers.com
Parker, Ted Ajax Construction	Begin Term: 2/22/2011 End Term: 1/31/2013 Type: two years	Original Date: 3/22/2005 Appointed by: Bill Proctor Commissioner District I	Notes: Business: Ajax Building Corporation Email: Ted@ajaxbuilding.com
Workman, Gale	Begin Term: 8/28/2012 End Term: 5/30/2013 Type: unexpired term	Original Date: 8/28/2012 Appointed by: Jane G. Sauls Commissioner District II	Notes: Email: gale_workman@hotmail.com
Manning, Denise	Begin Term: 6/12/2012 End Term: 5/31/2013 Type: unexpired term	Original Date: 6/12/2012 Appointed by: Nick Maddox Commissioner At-large II	Notes: Email: denisemanning5@hotmail.com
Wyrick, Michelle	Begin Term: 6/26/2012 End Term: 5/31/2014 Type: two years	Original Date: 6/26/2012 Appointed by: Mary Ann Lindley Commissioner At-large I	Notes: Email: michellewyrick@eliteoperationalservices.com

From: Bryan Desloge
To: Coble, Christine
Date: 2/21/13 10:42 AM
Subject: Re: Fwd: County Citizen Committees

>> Cheri Garbark <cherigarbark@yahoo.com> 2/18/2013 3:51 PM >>>
Bryan,
I am sorry to inform you I will not be able to continue to serve on the MWSBE Citizens Advisory Committee. Sorry I am getting this notice to you late in the game, but informed the office and they called me back today and asked that I inform you as well.

I am sorry but have truly enjoyed the experience and maybe in the future could be appointed to the same or another committee.
Sincerely,
Cheri Garbark

Cheri Lewis Garbark, Owner
Lewis Assoc Property Management
& Keller Williams Realty Agent
2910 Kerry Forest Parkway, Suite D-4 #294
Tallahassee, FL 32309
850-668-1173 Office HOA/Condos
850-668-1122 Fax

Lewis Real Property Management/Rentals
850-591-3121 Office
850-668-1122 Fax

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Christine Coble
by telephone at 606-5300 or by e-mail at CobleC@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Christi Hale | Date: 21-Mar-2013

Home Phone: (850) 508-5950 | Work Phone: (850)575-2506X | Email: c.hale@halecontracting.net

Occupation: PRESIDENT/OWNER | Employer: HALE CONTRACTING, INC.

Preferred mailing location: Work Address
Work Address: 1736 COMMERCE BOULEVARD

City/State/Zip: MIDWAY FL 32343

Home Address 430 LACY WOODS CT

City/State/Zip: TALLAHASSEE FL 32312

Do you live in Leon County? Yes If yes, do you live within the City limits? Yes
Do you own property in Leon County? Yes If yes, is it located within the City limits? Yes
For how many years have you lived in and/or owned property in Leon County? 7.00 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference
1st Choice: Minority, Women & Small Business Enterprise 2nd Choice: Minority, Women & Small Business Enterprise (M/W

What cultural arts organization do you represent, if any?
NONE

If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please note those areas in which you are interested:

If you are appointed to a Committee, you are expected to attend regular meetings.
How many days permonth would you be willing to commit for Committee work? 1
And for how many months would you be willing to commit that amount of time? 6 or more
What time of day would be best for you to attend Committee meetings? Day

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian Sex: Female Age: 37
Disabled? No District:

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

AS THE SOLE OWNER AND PRESIDENT OF HALE CONTRACTING, INC., A CERTIFIED WBE AND DBE WITH LEON COUNTY, THE CITY OF TALLAHASSEE, FLORIDA DEPARTMENT OF MANAGEMENT SERVICE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (RESPECTIVELY), I FEEL THERE IS GREAT NEED FOR MANY CURRENT POLICIES REGARDING MINORITY, WOMAN AND SMALL BUSINESSES TO BE ADDRESSED. I HAVE EXTENSIVE KNOWLEDGE IN THIS AREA AND CAN HELP PROVIDE LEON COUNTY VITAL INSIGHT THAT WILL FACILITATE THE BETTERMENT OF CURRENT POLICIES. BY ADDRESSING MANY OF THE ISSUES WITH THE CURRENT POLICIES AND INTERPRETATIONS THEREOF, THE COUNTY WILL BETTER SERVE ITS TAXPAYERS AND THE BUSINESSES THAT COMPETE FOR COUNTY CONTRACTS. I HOLD A CURRENT UNDERGROUND UTILITIES AND EXCAVATION LICENSE THROUGH THE DEPARTMENT OF PROFESSIONAL REGULATIONS AND ALSO AN EXCAVATION LICENSE ISSUED THROUGH LEON COUNTY. I HAVE SERVED AND PARTICIPATED IN VARIOUS MBE/WBE & SBE MEETINGS CALLED BY BOTH LEON COUNTY AND THE CITY OF TALLAHASSEE. I WOULD APPRECIATE THE OPPORTUNITY TO SERVE ON THIS COMMITTEE AND LOOK FORWARD TO CONTINUING TO SERVE MY COMMUNITY.

References (you must provide at least one personal reference who is not a family member):

Name: MR. BRENT SPARKMAN Telephone: 850-528-5684
Address: 1714 MAHAN DRIVE, TALLA, FL 32308

Name: MR. CHUCK ROBERTS Telephone: 850-385-5060
Address: PO BOX 16279, TALLA., FL 32317

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP
AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp BEFORE YOUR APPLICATION IS DEEMED COMPLETE.

Have you completed the Orientation? Yes
Are you willing to complete a financial disclosure form and/or a background check, if applicable? No

Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? No
If yes, from whom?
Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? No

Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? No
If yes, please explain.

Do you or your employer, or your spouse or child or their employers, do business with Leon County? Yes
If yes, please explain. I AM THE SOLE OWNER AND PRESIDENT OF HALE CONTRACTING, INC. WHICH COMPETITIVELY BIDS ON CONSTRUCTION PROJECTS TO LEON CO AND IS A

Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? No
If yes, please explain.
All statements and information provided in this application are true to the best of my knowledge.

Signature: Christi Hale

This application was electronically sent: 3/21/2013 2:36:33PM

RESOLUTION NO. 13-02

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, TO ESTABLISH AN ADVISORY COMMITTEE WHICH SHALL BE NAMED THE LEON COUNTY VIVA FLORIDA TIME CAPSULE COMMITTEE AND WHICH SHALL OPERATE AND FUNCTION AS A DECISION MAKING COMMITTEE.

WHEREAS, the state of Florida is celebrating the 500th anniversary of its discovery by Juan Ponce de Leon with the Viva Florida Celebration; and

WHEREAS, the Board of County Commissioners of Leon County, Florida (the Board) has identified the Viva Florida 500th anniversary as a strategic initiative and citizen engagement in the celebration as a high priority; and

WHEREAS, the Florida Department of State has provided Leon County as well as the remaining 66 counties with a time capsule to store and seal items unique to the community that may one day be opened by a future generation; and

WHEREAS, the time capsule is required to be sealed with the items selected by December 31, 2013; and

WHEREAS, the Board recognizes and acknowledges the importance of public involvement and input in County government; and

WHEREAS, the Board wishes to engage citizens in collecting items for the Viva Florida Time Capsule and to establish and appoint an advisory committee to function and operate in accordance with Board Policy No. 03-15, "Board-Appointed Advisory Committees: Establishment, Appointment, Function, Operation, and Dissolution" ("Board-Appointed Advisory Committees")

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, that:

1. The Board hereby establishes an advisory committee, to be named the Leon County Viva Florida Time Capsule Committee, for the purpose of leading the effort to recommend and collect the items for the Viva Florida Time Capsule.

2. The Leon County Viva Florida Time Capsule Committee shall function and operate as a Decision Making Committee in accordance with Board Policy No. 03-15, "Board-Appointed Advisory Committees."

3. The Leon County Viva Florida Time Capsule Committee shall have as its goal the promotion of awareness of the County's effort to collect items for the Viva Florida Time Capsule and to gather public input on items that should be included.

4. The Leon County Viva Florida Time Capsule Committee shall determine the length of period for which the Viva Florida Time Capsule shall be sealed.

5. The Leon County Viva Florida Time Capsule Committee shall provide a presentation the Board within 60 days of its appointment.

6. The Leon County Viva Florida Time Capsule Committee shall have seven (7) members with each County Commissioner having one appointment.

7. The members of the Leon County Viva Florida Time Capsule Committee shall not be subject to full and public disclosure of financial interests.

8. The Leon County Viva Florida Time Capsule Committee shall be dissolved on June 30, 2013.

9. This Resolution shall become effective immediately upon its adoption.

DONE, ADOPTED, AND PASSED by the Board of County Commissioners of Leon County, Florida, this 29th day of January, 2013.

LEON COUNTY, FLORIDA

BY: _____
Nicholas Maddox, Chairman
Board of County Commissioners

ATTESTED BY:

BY: _____
Bob Inzer
Clerk of the Circuit Court

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

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

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Christine Coble
by telephone at 606-5300 or by e-mail at CobleC@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Paula DeBoles-Johnson | Date: 05-Mar-2013

Home Phone: (850) 878-9277 | Work Phone: (850)339-3734X | Email: ccydcdirector@embarqmail.com

Occupation:CONSULTANT | Employer: VOLUNTEER FLORIDA & CCYDC

Preferred mailing location: Home Address
Work Address:

City/State/Zip: 32301

Home Address 1421 LOLA DRIVE

City/State/Zip: TALLAHASSEE FL 32301

Do you live in Leon County? Yes If yes, do you live within the City limits? Yes
Do you own property in Leon County? Yes If yes, is it located within the City limits? Yes
For how many years have you lived in and/or owned property in Leon County? 27.00years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference
1st Choice: 2nd Choice:Commission on the Status of Women and Girls

What cultural arts organization do you represent, if any?

If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please note those areas in which you are interested:
MOST OF MY SERVICE EXPERIENCE HAS BEEN IN THE HUMAN SERVICES FIELD, PARTICULARLY WITH POLICIE

If you are appointed to a Committee, you are expected to attend regular meetings.
How many days permonth would you be willing to commit for Committee work? 2 to 3
And for how many months would you be willing to commit that amount of time? 6 or more
What time of day would be best for you to attend Committee meetings? Day, Night

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race:African American Sex:Female Age: 44
Disabled? No District: District 5

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

PAULA DEBOLES-JOHNSON, MPA, CCM IS THE FOUNDER AND EXECUTIVE DIRECTOR OF CAPITAL CITY YOUTH DEVELOPMENT CORPORATION (CCYDC) FOUNDED IN 2003 FOR THE PURPOSES OF TEACHING YOUTH PRO-SOCIAL SKILLS FOR SUCCESS AND INFORMING THEM ABOUT THE DANGERS OF RISKY BEHAVIORS. SHE HAS CONTINUED TO SERVE AS A PROGRAM CONSULTANT WITH THE GOVERNOR'S COMMISSION ON VOLUNTEERISM & COMMUNITY SERVICE (VOLUNTEER FLORIDA) FOR MORE THAN EIGHT YEARS. SHE IS A GRADUATE OF FLORIDA A & M UNIVERSITY, WHERE SHE EARNED BOTH HER BACHELORS DEGREE IN POLITICAL SCIENCE AND A MASTERS DEGREE IN PUBLIC ADMINISTRATION. MS. JOHNSON IS AN ACTIVE MEMBER OF SEVERAL ORGANIZATIONS AS A BOARD MEMBER, MOTIVATIONAL SPEAKER AND YOUTH ADVOCATE. HER EXPERTISE INCLUDES PROGRAM DEVELOPMENT AND IMPLEMENTATION, , TEAM BUILDING AND COMMUNITY DEVELOPMENT. SHE IS A TRAINER AND SPEAKER ON BOTH STATE AND NATIONAL LEVELS, AS WELL AS A FLORIDA SUPREME COURT CERTIFIED MEDIATOR.
(PLEASE SEE ATTACHED RESUME FOR SPECIFIC ORGANIZATIONAL AFFILIATIONS.)

References (you must provide at least one personal reference who is not a family member):

Name: DR. ROBERT CRAIG Telephone: 850.933.3102
Address: 2440 BASSWOOD LANE TALLAHASSEE, FL 32308

Name: MRS. STACIA HAMMOND Telephone: 813.433.8758
Address: 11122 HARTFORD FERN DRIVE RIVERVIEW, FL 33569

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP
AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp BEFORE YOUR APPLICATION IS DEEMED COMPLETE.

Have you completed the Orientation? Yes
Are you willing to complete a financial disclosure form and/or a background check, if applicable? Yes

Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? No
If yes, from whom?
Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? No

Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? No
If yes, please explain.

Do you or your employer, or your spouse or child or their employers, do business with Leon County? No
If yes, please explain.

Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? No
If yes, please explain.
All statements and information provided in this application are true to the best of my knowledge.

Signature: Paula DeBoles-Johnson

This application was electronically sent: 3/5/2013 4:28:18PM

Paula DeBoles-Johnson, M.P.A., CCM **(850) 339.3734**
1421 Lola Drive ** Tallahassee, FL 32301 **ccydcdirector@embarqmail.com**

Summary of Qualifications

Proven performance record in progressively responsible positions in program development, implementation and management; highly skilled leader, motivator, trainer and manager of human resources; well developed analytical and organizational skills; goal directed and results oriented; excellent written and verbal communication skills; team player who is self-motivated with extensive experience in the private and public sectors.

- **Management** – Founder and Executive Director of Capital City Youth Development Corporation (CCYDC). Supervising a volunteer staff of 16 persons. Created and executed an annual girls program (ALL ABOUT GIRLS) in North Florida, which has spread to South Georgia and is now being considered as a national model.
- Served in the capacities of Program Manager and Administrator for programs in excess of $20 million within state government.
- Supervised a staff of 25 persons, as Program Director (Interim Executive Director) for a private, non-profit agency. Agency programming and staffing increased in capacity under my direction.
- Over 14 years of successful supervisory, coordination, teambuilding and program management experience.

- **Coordination** – Numerous commendations for the efficient and professional coordination of youth programming activities, trainings, seminars and community service events planned and executed.
- CCYDC has a reputation for excellence in programs and services as well as client satisfaction in honest and fair dealings. Business continues to grow as we continue to cultivate young minds with new and innovative programs and activities.

- **Communication** – Demonstrated oral and written communication skills. Proven ability to create training programs and to train the human resource. Ability to be personable, yet remain succinct and objective. Known to be energetic, knowledgeable and the ability to communicate knowledge on a variety of different levels.

Education

Masters (MS)- Applied Social Sciences	Florida A & M University, Tallahassee, FL	April 1997
Licensed Mediator - County	Supreme Court of Florida Tallahassee, FL	April 1996
Bachelors (BS) – Political Science	Florida A & M University Tallahassee, FL	April 1991

Work History

Program Consultant	Governors Commission on Volunteerism and Community Service TLH, FL	July 2006 - Present
Executive Director/Consultant	Capital City Youth Development Corp. TLH, FL	October 2003 - Present

Administrator	FL Department of Health TLH, FL	October 2002 - May 2003
Program Manager	FL Department of Health TLH, FL	December 2001 – October 2002
Sr. Management Analyst	FL Department of Children & Families TLH, FL	May 1999 – December 2001
Program Director	Community Intervention Center TLH, FL	September 1998 – May 1999
Program Manager	Community Intervention Center TLH, FL	August 1995 – August 1998
• **Program Specialist** • **Direct Service Supervisor**	• FL Dept. of Labor • Gadsden Co. Senior Citizens Center	• 1993 - 1994 • 1993 - 1993
• **Counselor** • **Staff Assistant**	• DISC Village • Department of Education	• 1992 - 1993 • 1989 - 1992

Knowledge, Skills and Abilities

Knowledge of program policy and development, state budgetary system, welfare reform, team-building and public relations. Extensive knowledge of National Service, Legislative, Juvenile Justice, Child Welfare, Senior Programming and Public Health programs on state and national levels.

Skilled in most computer software programs, including Microsoft office Suite and general office equipment. Skilled in the development of social service programs and activities. Possesses strong organizational and supervisory skills.

Ability to speak publicly, monitor various social service programs, write and review grants, create contracts, provide technical assistance, strategically plan and organize. Ability to train, recruit, positively influence and motivate the human resource. Proven ability to assimilate information quickly.

Professional Affiliations

Volunteer Activities

- Gamma Sigma Sigma National Service Sorority, Inc. - National
- Tallahassee Human Relations Council - Tallahassee, FL
- Florida Academy of Professional Mediators – Florida Chapter
- Faith Family Resource Center Board Member (Chair) - Tallahassee, FL
- Governor's Task Force on Sexual & Domestic Violence (Former Liaison Member)
- James S. Rickards High School International Baccalaureate Parent Volunteer – Tallahassee, FL
- National Achiever's Society Parent Alliance Member – Tallahassee, FL
- Tallahassee Police Department Citizens Academy Graduate – Tallahassee, FL
- Celebrate New Life Tabernacle Church Member - Tallahassee, FL
- Timothy Center Executive Board Member (Vice Chair) – Tallahassee, FL
- 2004 Outstanding Child Advocate Nominee – Tallahassee, FL
- Adoption Support & Consultation Service of Florida (Vice-Chair), Brandon, FL
- Volunteer Florida Inclusion Council (Training Committee), Tallahassee, FL

Consultant Opportunities

2004 – 2006 **Florida Commission for the Transportation Disadvantaged** – Tallahassee, FL

Programmatic Monitoring and Quality Assurance.

2004 **Leon County Schools** – Tallahassee, FL

National Achiever's Society year-end program execution and program review.

1999-2002 **Community Intervention Center, Inc.** – Tallahassee, FL

Program Development, Quality Assurance, Staff Training and Development.

2005 **Contributing Author**, "Raising the Bottom", GMA Publishing Company © 2005.

Relevant Training

- Teambuilding
- Group Presentation
- Leadership Training
- Contract Procurement
- Program Evaluation
- Working with At-Risk Youth
- Negotiation
- Mediation
- Ethics
- Sterling Training
- Contract Management
- Performance Based Budgeting

Local & National Speaking Engagements

- Health and Human Services – *"The Importance of Reaching Our Youth"* (Chicago, IL) – June 2004
- SMART Marriages Conference – *"Fiscal Responsibility"* (Dallas, TX) – August 2004
- Administration for Children & Families –*"Reaching Youth in Today's Hop-Hop Culture"* (Los Angeles, CA) – September 2004
- National Governors Association – *"Best Practices in Working with Minority Youth"* (Washington, DC) - October 2004
- Health and Human Services/Administration for Children & Families – African-American Healthy Marriage Curriculum Development Workgroup (New Orleans, LA) – April 2005
- Health and Human Services/Administration for Children & Families – Healthy Marriage and Fatherhood Workgroup (Rome, Georgia) – May 2005
- Stronger Marriages, Stronger Families Conference Presenter *"Healthy Marriage & Youth"* (Orlando, FL) – June 2005
- From Dialogue to Service Delivery, Academy Presenter – *"Incorporating Youth*" (Detroit, MI) – June 2005
- Kids Incorporated, Speaker – *"Parenting 101"* (Tallahassee, FL) - April 2006
- Department of Children & Family Services, Presenter – *"Grant Writing"* (Pensacola, FL) – May 2006
- LLAMDA Conference, Presenter – "*Creating Effective Healthy Marriage Programs*" (Tallahassee, FL) July 2006
- Workforce Plus Expo – *Panelist* (Tallahassee, FL) – Fall 2006
- Kids Incorporated, Speaker – "*Professional Development Seminars*" – February 2007
- Administration for Children & Families, Ounce of Prevention Florida, & CCYDC *Press Conference*- (The Capitol, FL)
- Hillsborough Education Foundation (Tampa, FL) – *Diversity Appreciation; Conflict Resolution Trainings*- Fall 2007
- Volunteer Florida Disaster Institute (Tallahassee, FL, West Palm Beach, FL) -*Professional Development Seminars* - 2007
- Miami Reads Program (Miami FL) - *Diversity Appreciation; Conflict Resolution Trainings*– 2007
- AmeriCorps State Parks Program (Apopka, FL) - *Diversity Appreciation; Conflict Resolution Trainings- 2008*
- *Conflict Resolution & Diversity Appreciation* – Leon County Schools AmeriCorps Teams 2008-2010
- *Trainer for various nonprofit and for profit organizations on a national and state level. 2007- Present*

Other Relevant Experience

More than 10 years of grant writing experience. {State, Private and Federal}

Serves as a grant reviewer for various agencies on the state and federal level including OJJDP, Administration for Children & Families, National Service Programs and Florida Department of Education.

Personal Information

Considered a valuable community resource with expertise in community mobilization, training and collaboration. Seen as a creative problem solver, who can stay focused and positive in critical situations. Strong advocate for children, families and the community.

Personal philosophy: "*Nothing that you ever do for children is wasted!*"

References

References are available upon request.

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by telephone at 606-5300 or by e-mail at CobleC@leoncountyfl.gov
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Name: Laura Lee Corbett | Date: 03/27/2013

Home Phone: 597-7759 | Work Phone: 264-4611 | Email: LLCorbett@earthlink.net

Occupation: Historic Preservation Consultant; FEMA Reservist | Employer: Self Employed; FEMA

Please check box for preferred mailing address.

☐ Work Address:

City/State/Zip:

☐ Home Address: 1422 Devils Dip

City/State/Zip: Tallahassee, FL 32308

Do you live in Leon County? X Yes No If yes, do you live within the City limits? X Yes No

Do you own property in Leon County? X Yes No If yes, is it located within the City limits? Yes No

For how many years have you lived in and/or owned property in Leon County? ___13__ years

Are you currently serving on a County Advisory Committee? **Yes** **X No**

If Yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? Yes X No

If Yes, on what Committee(s) have you served? _____

Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference

1st Choice: ____Viva Florida 500 Time Capsule_____ 2nd Choice:

If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please note those areas in which you are interested: NO

If you are appointed to a Committee, you are expected to attend regular meetings.

How many days per month would you be willing to commit for Committee work? X 1 2 to 3 4 or more

And for how many months would you be willing to commit that amount of time? 2 3 to 5 X 6 or more

What time of day would be best for you to attend Committee meetings? X Day Night

(*OPTIONAL*) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian African American Hispanic Asian Other

Sex: Male Female Age: _____ Disabled? Yes No

District 1 District 2 District 3 District 4 District 5

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application. Please attach your resume, if one is available.

Past Chair of the Tallahassee Trust for Historic Preservation. Former Florida Main Street Coordinator for the Florida Dept. of State. Member of the Florida Trust for Historic Preservation's Endangered Sites Committee several years running. Member of the Florida Chamber Foundation's Quality of Life & Places Six Pillars Caucus. Responsible for bringing a private, museum quality historic map & print collection to Leon County for two separate exhibits associated with the Viva Florida 500 commemoration. Secretary of the Interior qualified Architectural Historian.

Savannah College of Art and Design
MFA, Architectural History
1995 – 1999

Savannah College of Art and Design
BFA, Historic Preservation, Interior Design
1992 – 1995

References (you must provide at least one personal reference who is not a family member):

Name: Alissa Slade Lotane Telephone: 245.6357

Address: 500 S. Bronough Street, Tallahassee, FL 32399

Name: Michelle Gammon Purvis Telephone: 487.1902

Address: 400 S Monroe St Tallahassee, FL 32399

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

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Have you completed the Orientation? Yes X No
Are you willing to complete a financial disclosure form and/or a background check, if applicable? X Yes No
Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? Yes X No If yes, from whom? _____
Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? Yes X No
Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? □ Yes X No If yes, please explain. _____
Do you or your employer, or your spouse or child or their employers, do business with Leon County? Yes X No
If yes, please explain. _____
Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? Yes X No
If yes, please explain. _____

All statements and information provided in this application are true to the best of my knowledge.

Signature: ___*Laura Lee Corbett*_____

Laura Lee Corbett Consulting

Historic Preservation and Downtown Revitalization

1422 Devils Dip, Tallahassee, FL 32308 • Ph: 850.264.4611 • fax: 850.597.7759 • LLCorbett@earthlink.net

Laura Lee Corbett offers a variety of historic preservation services with an emphasis on cultural resource management, community revitalization and not-for-profit development. As a professional architectural historian and historic preservationist, Corbett meets the Secretary of the Interior's professional qualifications standards. She assists private sector clients to comply with various cultural resource laws in development projects. She is experienced in handling Section 106 or Federal undertakings, Developments of Regional Impact and local regulations. Corbett also provides technical assistance to FEMA's disaster programs to fulfill the agency's legal responsibilities under various historic preservation laws, Executive Orders and regulations.

She provides technical assistance to Main Street programs, Community Redevelopment Agencies, not-for-profit organizations and government agencies on the local, state and federal levels. Corbett is an approved consultant in the areas of organizational development, fund-raising, business recruitment, property development, historic preservation, promotion, public relations and advertising by both the National Trust for Historic Preservation and the Florida Department of State.

Awards & Affiliations

Florida Preservation Award in Education/Media
FL Trust for Historic Preservation, 2009
Outstanding Achievement in Architectural History
SCAD, 1997
Tallahassee Trust for Historic Preservation
Chair, 2008-2010; V.P. 2006-2008
Florida Chamber Foundation Caucus System
Caucus Member, 2010 - current
Riverside-Avondale Preservation (RAP), Jacksonville
Past Board Member
Jacksonville Historic Preservation Commission
Past Commission Member
School of Building Arts Advisory Board, SCAD
Past Board Member

Services and capabilities

Annual board retreat & work plan facilitation
Grant writing & funding source identification
Archival and historical research
National Register assessment and nomination
Historic property survey and documentation
Preservation planning & incentives
Study and treatment of historic cemeteries
NEPA/NHPA Section 106 compliance
USFWS wetlands mapping
Coastal Barrier Resource System mapping
NFIP Flood Insurance Rate mapping
Land records research
Military resource experience
Linear historic resource experience
Disaster mitigation
Native American coordination

Clients

1000 Friends of Florida
Creech Engineering
Crestview Main Street & CRA
Environmental Consulting & Technology (ECT)
Federal Emergency Management Agency (FEMA)
Fort Pierce Main Street
Gainesville Community Redevelopment Agency
Garlick Environmental Associates, Inc.
Hardeman-Kempton and Associates
Inovia Consulting Group
Kissimmee Main Street
Lincoln Park Main Street (Fort Pierce, FL)
Martin County Historic Preservation Board
Melbourne Main Street
Moore Bass Consulting, Inc.
Old Palm Harbor Main Street
Panama City Community Redevelopment Agency
PBS&J Engineering
Thomasville Landmarks, Inc.
Vilano Beach Town Center Program

Education

- Master of Fine Arts, Architectural History
Savannah College of Art and Design, 1997
- Bachelor of Fine Arts, Historic Preservation
Savannah College of Art and Design, 1995

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

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by telephone at 606-5300 or by e-mail at CobleC@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Kimberly Galban-Countryman | Date: 29-Mar-2013

Home Phone: (850) 906-0614 | Work Phone: (850)222-3833X | Email: kgalban70@gmail.com

Occupation: DIRECTOR OF DEVELOPMENT | Employer: SOUTHERN SCHOLARSHIP FOUNDATION

Preferred mailing location: Home Address
Work Address: 322 STADIUM DRIVE

City/State/Zip: TALLAHASSEE FL 32304

Home Address 3248 STORRINGTON DRIVE

City/State/Zip: TALLAHASSEE FL 32309

Do you live in Leon County? Yes If yes, do you live within the City limits? Yes
Do you own property in Leon County? Yes If yes, is it located within the City limits? Yes
For how many years have you lived in and/or owned property in Leon County? 24.00years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference
1st Choice: 2nd Choice: Human Services Grants Review Committee

What cultural arts organization do you represent, if any?

If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please note those areas in which you are interested:

If you are appointed to a Committee, you are expected to attend regular meetings.
How many days permonth would you be willing to commit for Committee work? 4 or more
And for how many months would you be willing to commit that amount of time? 6 or more
What time of day would be best for you to attend Committee meetings? Day, Night

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Hispanic Sex: Female Age: 42
Disabled? No District:

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

References (you must provide at least one personal reference who is not a family member):

Name: ANDREA JONES Telephone: 850-566-3201
Address: AMJONES.HARKNESS@GMAIL.COM

Name: PAM DAVIS Telephone: 850-251-0451
Address: PDAVIS@KIDSINCORPORATED.ORG

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If yes, from whom?
Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? No

Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? No
If yes, please explain.

Do you or your employer, or your spouse or child or their employers, do business with Leon County? No
If yes, please explain.

Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? No
If yes, please explain.
All statements and information provided in this application are true to the best of my knowledge.

Signature: Kimberly Galban-Countryman

This application was electronically sent: 3/29/2013 11:13:42AM

Kimberly J. Galbán-Countryman
3248 Storrington Drive
Tallahassee, FL 32309
(850) 339-6414
kgalban70@gmail.com

EDUCATION

M.P.A, Master's in Public Administration, Florida State University
B.S. in Professional Administration, Barry University
A.A., Tallahassee Community College

SUMMARY OF QUALIFICATIONS

- Effective working within complex, high-demand environments, coordinating efforts of government agencies, private sector representatives, and volunteer organizations
- Knowledge of state and federal policies, and procedures of the Florida Legislature and US Congress and Federal Government
- Efficient in directing and maximizing human/financial/material resources
- Recognized expertise in developing productive relationships with a diverse range of contacts
- Skilled in developing, implementing, and managing social services programs
- Skilled in exercising judgment and discretion in establishing, applying and interpreting policies and procedures
- Strong communication skills, with proven ability to clarify information for a defined audience
- Superior presentation skills; adept at designing and delivering training programs
- Advanced computer skills including database development, e-commerce, web page development and graphic design
- Strong fundraising skills including grant development, special events coordination, and private donor cultivation

EXPERIENCE

June 2011 - Present
Southern Scholarship Foundation, Tallahassee, Florida. Director of Development
Responsibilities:

- Identify and cultivate relationships with grantmaking Foundations
- Cultivate relationships with and participate in activities hosted by civic clubs throughout the state
- Write and manage over 60 grants
- Organize and host all fundraising events including the Annual Education for Life 5K
- THIS SECTION IS NOT DONE

February 2011 – June 2011
PACE Center for Girls-Leon, Tallahassee, Florida. Consultant
Responsibilities:

- Plan the PACE Center for Girls – Leon 17th Annual Golf Open
- Secure sponsors and participants for the event
- Coordinate marketing efforts
- Ensure the event meets its target income
- Act as liaison for the PACE Leon Board of Directors

February 2009 – January 2011
United Partners for Human Services, Tallahassee, Florida. Executive Director
Responsibilities:

- Provide financial management including budget development, adherence to approved budget, ensuring financial audit is completed, providing monthly financial reports to the board
- Develop and maintain financial resources for the association through membership dues, grants, sponsorships, training, conference and event revenue
- Develop and maintain a high level of contacts with current and potential coalition members
- Actively solicit new memberships and be available for support and technical assistance for current members
- Develop and maintain high level relationships and contacts with related private and public human service organizations and associations, and legislative and governmental offices
- Develop and maintain positive relationships with business supporters and sponsors of UPHS events
- Represent the Coalition at meetings and discussions relevant to the needs of UPHS members
- Advocate for the needs of the membership based on the advocacy positions established by the Board of Directors and within the parameters of the UPHS mission and strategic plan
- Monitor and report on City of Tallahassee and Leon County Commission agenda items
- Develop and review City of Tallahassee and Leon County programs and ordinances that impact local delivery of human services
- Work with the Board of Directors to develop UPHS strategic initiatives
- Organize training workshops, the annual conference and the annual celebration dinner
- Provide written, comprehensive reports to the board of directors related to the Executive Directors activities and the organization's achievement of its mission
- Recruit, hire and supervise any paid staff members and administrative volunteers of UPHS
- Serve as a spokesperson for the organization with local media

August 2002 – February 2009
The Family C.A.F.E., Inc. (a 501(c)3 organization and Florida Department of Education Special Project), Tallahassee, Florida. Chief Operations Officer
Responsibilities:

- Work with the President to strategically plan all projects and outcomes for the organization
- Coordinate funding and support efforts with the Governor's Office, state agencies, and corporate sponsors
- Provide year-round advocacy at the statewide and local level on disability-related issues
- Review and report on legislation in Florida that impacts disability services
- Develop and maintain all policy and procedures for the organization
- Analyze areas of improvement for maximum efficiency
- Manage state and federal grants
- Manage all private sector contracts
- Manage all aspects of corporate accounting and protocols
- Manage corporate IT needs including website development
- Coordinate all aspects of hosting the *Annual Family Café Conference*
- Supervise employees, interns, and all consultants

February 2002-October 2002
H.A.Bruno, LLC., New York, New York. Consultant for the World Congress & Exposition on Disabilities.
Responsibilities:

- Provide strategic advice and counsel regarding disability issues in the State of Florida
- Develop a budget for the event
- Secure public and private sponsors
- Act as liaison between H.A. Bruno, LLC and state agencies
- Manage all contracts for funding of the employment symposium

December 1998-August 2002
The Family Cafe, Inc., Tallahassee, Florida. Board of Directors/Treasurer

Responsibilities:

- Work directly with the President to develop the idea of the Family Café into a viable statewide non-profit.
- Develop an annual budget
- Coordinate strategic planning exercises
- Solicit the public and private sectors for over $450,000 in donations
- Develop policies and procedures
- Manage state and federal grants
- Manage all private sector contracts
- Maintain and prepare financial records and reports
- Develop and maintain all databases
- Sell exhibitor space and organize all aspects of the commercial exhibit area of the annual conference
- Coordinate regional forums hosted by local legislators
- Produce marketing materials
- Create and maintain the company website

September 1998-April 2002
Florida Association of Rehabilitation Facilities, Tallahassee, Florida. CPE Administrator/Marketing Coordinator
Responsibilities:

- Administer the Community Partners for Employment Program (CPE), which aimed at improving employment and career opportunities for individuals with disabilities
- Develop all reports needed to satisfy the grant that funded the CPE program including Activities Reports, Implementation Plans, Replicability Plans and quarterly budgets
- Supervise the activities of all field staff working on the CPE program
- Negotiate contracts with hotels and other meeting facilities
- Coordinate joint symposiums with the Florida Department of Developmental Disability Services and Florida ARC
- Develop and produce all meeting brochures and registration packets
- Coordinate all meeting planning and training activities
- Produce all marketing materials for the Association

May, 1996-September 1998
RESPECT of Florida, Tallahassee, Florida. Marketing Assistant
Responsibilities:

- Tradeshow coordination
- Design marketing materials
- Design and edit RESPECT of Florida's bi-monthly newsletter
- Provide text and layout for the catalog updates
- Review pricing packages and specifications for potential products.
- Research sales and locate vendors for potential products.
- Produce monthly comparative sales reports.

August, 1996-May, 1997
Florida State University, Tallahassee, Florida. Subject Mentor
Responsibilities:

- Help the student athletes understand the concepts and theories of oceanography, biology and earth science.

June, 1994-November, 1994 and March, 1995- December, 1995
Pier 1 Imports, Tallahassee, Florida. Assistant Manager
Responsibilities:

- Manage merchandise and corresponding paperwork for the Passports department

COMPUTER

Demonstrated proficiency in:
Microsoft Word
Microsoft Excel
Microsoft Access
Microsoft PowerPoint
Microsoft Outlook
Microsoft Publisher
Open Office
Adobe InDesign
Adobe Illustrator
Adobe Photoshop
GIMP
Quickbooks Pro
HTML
Windows XP
Mambo Open Source
SPSS
Joomla
Drupal
CiviCRM
Etapestry

WORK RELATED ACTIVITIES

Volunteer Coordinator, Southern Scholarship Foundation Education for Life 5K Run, 2011
Board of Directors, Development Committee, Kids Incorporated 2010 – present
Presenter, Southeastern Conference on Public Administration 2010
Guest Speaker, FSU Askew School of Public Administration, 2009, 2010, 2011
Member, Leadership Tallahassee Class 27
Member, Tallahassee-Leon County Joint Planning Board 2009/2010
Chair, Census 2010 Complete Count Subcommittee on Community Based Organizations 2009/10
Board of Directors, Florida Alliance for Assistive Technology and Services (FAAST) 2003-2009
Member, Florida Department of Education, Bureau of Exceptional Education and Student Services Statewide Long Term Planning for Parent Services Team 2007
Member, American Society for Public Administration, 2003-2005
Member, Pi Alpha Alpha, National Honor Society for Public Affairs and Administration 2003-2005

COMMUNITY INVOLVEMENT

Volunteer, Tallahassee United Futbol Club, 2012 - present
Member, eKiwanis Club of the Big Bend 2012
Member, Business and Professional Women of Tallahassee 2011 – present
Volunteer, Roberts Elementary 2005-2012
Chair, Leadership Tallahassee Class 29 Human Services Day 2011
Volunteer softball coach for City of Tallahassee Parks and Recreation 2011
Planning Committee Member, Leadership Tallahassee Human Services Day 2010 & 2011
Volunteer, Youth Leadership Tallahassee Interview Day 20111
Volunteer soccer coach for City of Tallahassee Parks and Recreation 2008-2012
Volunteer, Oasis Center for Women and Children Girls Can Do Anything Camp 2009-2010
Founding Member – Oasis Center for Women and Children 2009
Vice-President Roberts Elementary Parent Teacher Organization 2008/09
Meals on Wheels volunteer, Tallahassee, Florida 2001
Volunteer soccer coach for Tops of Florida program, Tallahassee, Florida 1998-2000
Volunteer science fair judge for Hartsfield Elementary, Tallahassee, Florida 1998
Volunteer at St. Rita's Sunday School Program, West Palm Beach, Florida 1997
Teaching Assistant for at-risk and honors biology at Rickards High School, Tallahassee, Florida 1996

AWARDS

President's List, Barry University, Spring 2002, Fall 2002, Spring 2003
Employee of the Year Award Recipient, given by Florida ARF, 2000
Dean's List, Florida State University, Spring 1999

TRAININGS & CERTIFICATIONS

Introduction to the Incident Command System – U.S. Department of Emergency Management Agency, FEMA
Community Leadership Institute – The Center for Community Leadership 2006
Leadership Tallahassee - Class 27

Leon County
Board of County Commissioners

Notes for Agenda Item #3

Leon County
Board of County Commissioners

Cover Sheet for Agenda #3

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of the Capital Region Transportation Planning Agency Interlocal Agreement

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Director, Public Works & Community Development David McDevitt, Director, Development Support & Environmental Management Wayne Tedder, Director, Planning, Land Management & Community Enhancement
Lead Staff/ Project Team:	Harry Reed, Executive Director, Capital Region Transportation Planning Agency Scott Ross, Director, Office of Financial Stewardship

Fiscal Impact:

This item has a fiscal impact. As with the current Capital Region Transportation Planning Agency (CRTPA) Interlocal Agreement, upon execution of a new Interlocal Agreement with all the membership within the planning boundaries, cost of operations of CRTPA, that is not eligible for reimbursement from state and federal grants and local grant matching funds, will be shared by the membership, based on the weighted voting apportionment. The CRTPA staff works to keep the total of non-eligible CRTPA expenses and matching funds below $20,000 annually. Historically, Leon County budgets $15,000 annually to cover its share of non-reimbursable costs, and funds are available in the FY 2013 budget.

Staff Recommendation:

Option #1: Approve the Capital Region Transportation Planning Agency Interlocal Agreement, and authorize the Chairman to execute the Agreement (Attachment #1).

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Report and Discussion

Background:

There are several legal documents that must be updated as a result of the Governor's approval of the Capital Region Transportation Planning Agency (CRTPA) Apportionment Plan in March 2011. The most important document is the Interlocal Agreement, which will implement the Apportionment Plan. The Interlocal Agreement establishes the CRTPA as an organization with recitals, purpose, organization and creation, composition, membership, terms of office, authorities, responsibilities, powers, duties, administration, funding, inventory reporting, record-keeping, and miscellaneous provisions.

Analysis:

The approval of the Apportionment by the Governor in March 2011 set forth the basis for development of the legal documents to establish the Capital Region Transportation Planning Agency (CRTPA). The most important of these documents is the Interlocal Agreement. The typical Interlocal Agreement is a boiler-plate document that varies very little across the state in the sense that all of the legal statutes at the Federal and State levels, are recited, and miscellaneous provisions are included, as well.

Based on the fact that the CRTPA has recently been established as an independent body with its own administrative structure, and unique apportionment process with members from Gadsden, Jefferson, Leon, and Wakulla Counties, the Cities of Chattahoochee, Gretna, Midway, Quincy, Tallahassee, the Towns of Havana and Greensboro, and the Leon County School Board, the CRTPA Attorney and the Executive Director included additional language to the Interlocal Agreement that is specific to the organization; such as, the weighted voting of the membership, a description of the administration, and provisions for funding. After the development by the CRTPA Attorney and the Executive Director, the Interlocal Agreement was forwarded to the Florida Department of Transportation (FDOT) for review of the additional language, compliance with the 2010 Census and MAP-21 (the most recently adopted federal transportation legislation). FDOT found the Interlocal Agreement to meet the needs that they have for the establishment of the CRTPA.

By way of explanation, the standard FDOT form Agreement contains those fundamental provisions that FDOT believes should be in every interlocal agreement, and provides blanks that must be filled in for the particular metropolitan planning organization. The proposed Interlocal Agreement reflects how the CRTPA Attorney and the Executive Director "filled in the blanks," as well as the additional terms developed to implement the apportionment plan to describe the administration of the CRTPA, and to provide for funding.

This proposed Agreement supersedes and replaces the November 15, 2004 Interlocal Agreement.

Options:

1. Approve the Capital Region Transportation Planning Agency Interlocal Agreement, and authorize the Chairman to execute the Agreement.
2. Do not approve the Capital Region Transportation Planning Agency Interlocal Agreement.
3. Board direction.

Recommendation:
Option #1.

Attachment:
1. Proposed Capital Region Transportation Planning Agency Interlocal Agreement.

AMENDED INTERLOCAL AGREEMENT CONCERNING THE FORMATION AND OPERATION OF THE CAPITAL REGION TRANSPORTATION PLANNING AGENCY

THIS AMENDED INTERLOCAL AGREEMENT is made and entered into this _____day of _____, 2013, by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION (hereinafter DEPARTMENT); the COUNTIES OF GADSDEN, JEFFERSON, LEON and WAKULLA; the CITIES OF CHATTAHOOCHEE, GRETNA, MIDWAY, QUINCY, TALLAHASSEE; the TOWNS OF GREENSBORO and HAVANA; and the LEON COUNTY SCHOOL BOARD.

RECITALS

WHEREAS, the Federal Government, under the authority of 23 U.S.C. and 49 U.S.C. requires each metropolitan area, as a condition to the receipt of federal capital or operating assistance, to have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the metropolitan area; and further requires the State Transportation Agency and the Metropolitan Planning Organization (MPO) to enter into an Agreement clearly identifying the responsibilities of each party for cooperatively carrying out such transportation planning; and

WHEREAS, the parties to this Interlocal Agreement desire to participate cooperatively in the performance, on a continuing basis, of a coordinated, comprehensive transportation planning process to assure that highway facilities, mass transit, rail systems, air transportation and other facilities will be properly located and developed in relation to the overall plan of community development; and

WHEREAS, 23 United States Code 134, as amended by the Intermodal Surface Transportation Efficiency Act of 1991, the Transportation Equity Act for the Twenty-first Century (Public Law 105-178, 112 Stat. 107), and the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141), 49 United States Code 5303-5307, 23 Code of Federal Regulations 450.306, and Section 339.175, Florida Statutes, provide for the creation of Metropolitan Planning Organizations to develop transportation plans and programs for metropolitan areas;

WHEREAS, pursuant to 23 U.S.C., 49 U.S.C., 23 CFR 450 and Section 339.175, Florida Statutes, a determination has been made by the Governor and units of general purpose local government representing at least 75% of the affected population (including the central city or cities) in the metropolitan area to designate a Metropolitan Planning Organization; and

WHEREAS, pursuant to Section 339.175(4), Florida Statutes, the Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable MPO among the various governmental entities within the area; and

WHEREAS, pursuant to 23 CFR 450 and Section 339.175(2)(b), Florida Statutes, an Interlocal agreement must be entered into by the Department and the governmental entities designated by the Governor for membership on the MPO. The signatories to the Interlocal agreement shall be the Department and the governmental entities designated by the Governor for membership on the MPO; and

WHEREAS, on June 21, 2004, the Board of the Tallahassee-Leon County Metropolitan Planning Organization approved a resolution changing the name of the MPO to the Capital Region Transportation Planning Agency (the CRTPA), without any change to its legal organization; and

WHEREAS, on January 12, 2009, the CRTPA Board approved a reapportionment plan in accordance with the revised Planning Area Boundary to include all of Gadsden, Jefferson, Leon and Wakulla Counties, which reapportionment plan was subsequently submitted to the Governor for approval; and

WHEREAS, pursuant to Section 339.175(4), Florida Statutes, in a letter dated March 17, 2011, the Governor has agreed to the apportionment plan; and

WHEREAS, the Interlocal agreement is required to create the CRTPA and delineate the provisions for operation of the CRTPA as the MPO for this region; and

WHEREAS, the undersigned parties have determined that this Interlocal Agreement satisfies the requirements of and is consistent with Section 339.175, Florida Statutes;

WHEREAS, pursuant to Section 339.175(2)(b), Florida Statutes, the Interlocal agreement must be consistent with statutory requirements set forth in Section 163.01, Florida Statutes, relating to Interlocal agreements; and

WHEREAS, the undersigned parties have determined that this Interlocal Agreement is consistent with the requirements of Section 163.01, Florida Statutes.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representation herein, the parties desiring to be legally bound, do agree as follows:

ARTICLE 1
RECITALS; DEFINITIONS

Section 1.01. Recitals. Each and all of the foregoing recitals are hereby incorporated herein and acknowledged to be true and correct to the best of the parties' knowledge. Failure of any of the foregoing recitals to be true and correct shall not operate to invalidate this Agreement.

Section 1.02. Definitions. The following words when used in this Agreement (unless the context shall clearly indicate the contrary) shall have the following meanings:

Agreement means and refers to this instrument, as amended from time to time.

BOARD shall mean the governing board of the CAPITAL REGION TRANSPORTATION PLANNING AGENCY (CRTPA).

Congestion Management System as defined by the Federal Highway Administration means a systematic process for managing congestion that provides information on transportation system performance and on alternative strategies for alleviating congestion and enhancing the mobility of persons and goods to levels that meet state and local needs.

CRTPA means the Capital Region Transportation Planning Agency, which is the MPO formed pursuant to this Agreement

DEPARTMENT shall mean and refer to the FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida created pursuant to Section 20.23, Florida Statutes.

FHWA means and refers to the Federal Highway Administration.

FTA means and refers to the Federal Transit Administration.

Functional Classification means the assignment of roads into systems according to the character of service they provide in relation to the total road network using procedures developed by the Federal Highway Administration.

Long-Range Transportation Plan is the 20-year plan which: identifies transportation facilities; includes a financial plan that demonstrates how the plan can be implemented and assesses capital improvements necessary to preserve the existing metropolitan transportation system and make efficient use of existing transportation facilities, indicates proposed transportation enhancement activities; and in ozone/carbon monoxide nonattainment areas is coordinated with the State Implementation Plan, all as required by 23 U.S.C. 134(c) ,23 CFR 450, and Section 339.175(7), Florida Statutes.

Metropolitan Area means and refers to the planning area as delineated by the MPO for the urbanized area containing at least a population as described in 23 U.S.C., 49 U.S.C., and Section 339.175, Florida Statutes, which shall be subject to the Metropolitan Planning Organization's planning authority.

MPO means Metropolitan Planning Organization and refers to the CRTPA which is the MPO formed pursuant to this Agreement.

Transportation Improvement Program (TIP) is the is the staged multi-year program of transportation improvement projects developed by a Metropolitan Planning Organization consistent with the Long-Range Transportation Plan and developed pursuant to title 23 U.S.C., 49 U.S.C, 23 CFR 450 and Section 339.175, Florida Statutes.

Unified Planning Work Program (UPWP) is the annual program developed in cooperation with the Department and public transportation providers, that lists all planning tasks to be undertaken during a program year, together with a complete description of each planning task and an estimated budget therefore and must comply with applicable state and federal law, all as required by 23 CFR 450 and Section 339.175(9), Florida Statutes.

ARTICLE 2
PURPOSE

Section 2.01. General Purpose. The purpose of this Agreement is to establish the Capital Region Transportation Planning Agency:

(a) To assist in the safe and efficient management, operation, and development of surface transportation systems embracing various modes of transportation in a manner that will maximize the mobility of people and freight within and through this metropolitan area of this state, foster economic growth and development within and through urbanized areas of this state and minimize, to the maximum extent feasible for transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan transportation planning processes;

(b) To develop transportation plans and programs, in cooperation with the state and public transit operators, which plans and programs provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as multi-modal and an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in section 334.046(1), Florida Statutes;

(c) To implement and ensure a continuing, cooperative, and comprehensive transportation planning process that considers all modes of transportation based on the complexity of the transportation problems to be addresses and results in coordinated plans and programs consistent with the comprehensively planned development of this affected metropolitan area in cooperation with the Department;

(d) To ensure that the process is integrated with the statewide planning process, the MPO shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state and regional transportation functions;

(e) To assure eligibility for the receipt of Federal capital and operating assistance pursuant to 23 U.S.C. and 49 U.S.C.; and

(f) To carry out the metropolitan transportation planning process, in cooperation with the Department, as required by 23 U.S.C. and 49 U.S.C.; 23 CFR 420 and 450, and 49 CFR Part 613; and consistent with Chapter 339, Florida Statutes, and other applicable state and local laws.

Section 2.02. Major MPO Responsibilities. The MPO is intended to be a forum for cooperative decision making by officials of the governmental entities which are party to this Agreement in the development of transportation-related plans and programs, including but not limited to:

(a) The Long-range Transportation Plan;

(b) The Transportation Improvement Program;

(c) The Unified Planning Work Program;

(d) A congestion management system for the metropolitan area and cooperate with the Department in the development of all other transportation management systems as required by state or federal law;

(e) Assisting the Department in mapping transportation planning boundaries required by state or federal law;

(f) Assisting the Department in performing its duties relating to access management, functional classification of roads, and data collection; and

(g) Execute all agreements or certifications necessary to comply with applicable state or federal law;

(h) Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and

(i) Performing such other tasks presently or hereafter required by state or federal law.

Section 2.03. MPO decisions coordinated with the DEPARTMENT and consistent with comprehensive plans. Chapter 334, Florida Statutes, grants the broad authority for the Department's role in transportation. Section 334.044, Florida Statutes, shows the legislative intent that the Department shall be responsible for coordinating the planning of a safe, viable and balanced state transportation system serving all regions of the State and to assure the compatibility of all components, including multimodal facilities. Section 339.155, Florida Statutes, requires the Department to develop and update at least once every 5 years, or more often as necessary, to reflect substantive changes to federal or state law, a statewide transportation plan, which established and defines the state's long-range transportation goals and objectives to be accomplished over a period of at least 20 years within the context of the State Comprehensive Plan, and considers, to the maximum extent feasible, strategic regional policy plans, MPO plans, and approved local government comprehensive plans. Section 339.175, Florida Statutes, specifies the authority and responsibility of the MPO and the Department in the management of a continuing, cooperative, and comprehensive transportation planning process for the metropolitan area.

In fulfillment of this purpose and in the exercise of the various powers granted by Chapters 334 and 339, Florida Statutes, the parties to this Agreement acknowledge that decisions made by the MPO will be coordinated with the Department. The parties to this Agreement acknowledge that actions taken pursuant to this Agreement will be consistent with local government comprehensive plans.

ARTICLE 3
MPO ORGANIZATION AND CREATION

Section 3.01. Establishment of MPO. The MPO for the metropolitan area as described in the membership apportionment plan approved by the Governor is hereby created and established pursuant to the Agreement to carry out the purposes and functions set forth in Articles 2 and 5. The legal name of this Metropolitan Planning Organization shall be the Capital Region Transportation Planning Agency (CRTPA).

Section 3.02. Effect on Prior Interlocal Agreement. This Agreement supercedes and replaces the November 15, 2004, Interlocal Agreement between the FLORIDA DEPARTMENT OF TRANSPORTATION; the COUNTIES OF GADSDEN, LEON AND WAKULLA; the CITIES OF QUINCY, MIDWAY and TALLAHASSEE; the TOWN OF HAVANA; and the LEON COUNTY SCHOOL BOARD, upon the effective date of this Agreement. The November 15, 2004 Interlocal Agreement superceded and replaced the October 16, 2000, Interlocal Agreement between THE DEPARTMENT OF TRANSPORTATION, LEON COUNTY, THE CITY OF TALLAHASSEE and THE LEON COUNTY SCHOOL BOARD. Notwithstanding the foregoing, the legal existence of the MPO shall be continuous and all lawful and valid acts of the MPO and its Board and officials prior to the date of this Agreement are hereby ratified and acknowledged as valid and binding acts of the CRTPA.

Section 3.03. MPO to operate pursuant to law. In the event that any election, referendum, approval, permit, notice, other proceeding or authorization is required under applicable law to undertake any power, duty, or responsibility hereunder, or to observe, assume, or carry out any of the provisions of this Agreement, the MPO will, to the extent of its legal capacity, comply with all applicable laws and requirements.

Section 3.04. Governing board to act as policy-making body of MPO. The governing board established pursuant to Section 4.01 of this Agreement shall be the policy-making body of the MPO responsible for cooperative decision-making of actions taken by the MPO. The governing board is the policy-making body that is the forum for cooperative decision-making and will be taking the required approval action as the MPO.

Section 3.05. Submission of proceedings; Contracts and other documents. Subject to the right to claim an exemption from the Florida Public Records Law, Chapter 119, Florida Statutes, the parties shall submit to each other such data, reports, records, contracts, and other documents in its possession relating to the metropolitan planning organization as is requested. Charges are to be in accordance with Chapter 119, Florida Statutes.

Section 3.06. Rights of review. All parties to this Agreement, and the affected federal funding agency (i.e., FHWA, FTA, and FAA) shall have the rights of technical review and comment of MPO projects.

ARTICLE 4
COMPOSITION; MEMBERSHIP; TERMS OF OFFICE

Section 4.01. Composition and membership of governing board.

(a) The voting membership of the MPO shall consist of representatives from the Counties of Gadsden, Jefferson, Leon and Wakulla; the Cities of Chattahoochee, Gretna, Midway, Quincy, and Tallahassee; the Towns of Greensboro and Havana; the Leon County School Board. .

(1) The apportionment of the membership of the MPO is based on population distribution among the above members, using weighted voting as specifically outlined in the CRTPA bylaws. For Leon County and the City of Tallahassee, the number of voting points is determined by the number of voting members as agreed upon by the Leon County Board of County Commissioners and the City of Tallahassee respectively.

(2) Representatives of the Department shall serve as nonvoting advisers to the MPO. The MPO may also provide for other non-voting advisors as outlined in the MPO bylaws.

(3) The Board shall have the authority to adopt bylaws concerning the governance and management of the CRTPA, including provisions governing Board meetings and votes, the authority of Board officers and the authority of CRTPA officials. The bylaws shall address:

(A) The weighted votes assigned to each member from the County Commission designated by Leon County and each member from City Commission to be designated by the City of Tallahassee.

(B) The weighted votes assigned to each representative of any consolidated membership of the Counties of Gadsden, Jefferson, Leon and Wakulla; the Cities of Chattahoochee, Gretna, Midway, Quincy, and Tallahassee; and the Towns of Greensboro and Havana.

(C) Substitution and replacement of Board members.

(D) Such other matters as are necessary or convenient for the administration of the MPO.

(b) The voting membership of an MPO shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the effected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 USC 134, may also provide for MPO members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the MPO.

(c) All voting representatives shall be elected officials of general purpose local governments, except that an MPO may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of Space Florida. As used in this section, the term "elected officials of a general-purpose local government" shall exclude constitutional officers, including sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials. Where all members of a governing board of the county, the city, or authority are to be voting representatives on the MPO, each member shall become a representative on the MPO upon entering office. Otherwise, individuals acting as a representative of the governing board of the county, the city, or authority shall first be selected by said governing board.

(d) In no event shall the county commission representatives constitute less than one-third of the weighted vote of the MPO, except for an MPO with more than 15 members located in a county with a 5-member county commission or an MPO with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the MPO membership, but all county commissioners must be members.

(e) County commissioners shall compose not less than 20 percent of the MPO membership if an official of the agency that operates or administers a major mode of transportation has been appointed to an MPO.

(f) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general-purpose local government represented on the MPO, they shall be provided voting membership on the MPO. Consortiums of municipalities may organize to appoint voting members who alternate each year.

(g) In the event that a governmental entity that is a member of the MPO fails to fill an assigned appointment to the MPO within 60 days after notification by the Governor of its duty to appoint a representative, that appointment shall be made by the Governor from the eligible individuals of that governmental entity.

Section 4.02. Terms. The term of office of members of the MPO shall be four years. The membership of a member who is a public official automatically terminates upon said official leaving the elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of the governmental entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be appointed for one or more additional four year terms. Where Counties and Cities have elected to consolidate their memberships and weighted vote, the term of the representative member or members shall be no less than one year from the date of designation by the consolidated entity represented by the member or as outlined in the CRTPA bylaws.

ARTICLE 5
AUTHORITIES, POWERS, DUTIES AND RESPONSIBILITIES

Section 5.01. General authority. The MPO shall have all authorities, powers and duties, enjoy all rights, privileges, and immunities, exercise all responsibilities and perform all obligations necessary or appropriate to managing a continuing, cooperative, and comprehensive transportation planning process as specified in Section 339.175 (5) and (6), Florida Statutes.

Section 5.02. Specific authority and powers. The MPO shall have the following powers and authority:

(a) As provided in Section 339.175(6)(g), Florida Statutes, the MPO shall have an executive or staff director who reports directly to the MPO governing board for all matters regarding the administration and operation of the MPO and any additional personnel as deemed necessary. The executive director and any additional personnel may be employed either by the MPO or by another governmental entity, such as a county, city, or regional planning council, that has a staff services agreement signed and in effect with the MPO. Each MPO may enter into contracts with local or state agencies, private planning or private engineering firms, or other public or private entities to accomplish its transportation planning and programming and administrative functions;

(b) As provided in Section 163.01(14), Florida Statutes, the MPO may enter into contracts for the performance of service functions of public agencies;

(c) As provided in Section 163.01(5)(j), Florida Statutes, the MPO may acquire, own, operate, maintain, sell, or lease real and personal property;

(d) As provided in Section 163.01(5)(m), Florida Statutes, the MPO may accept gifts, grants, assistance funds, or bequests;

(e) The MPO may promulgate rules to effectuate its powers, responsibilities, and obligations enumerated herein; provided, that said rules do not supersede or conflict with applicable state laws, rules and regulations; and

(f) The MPO shall have such powers and authority as specifically provided in Sections 163.01 and 339.175, Florida Statutes, and as may otherwise be provided by federal or state law.

Section 5.03. Duties and responsibilities. The MPO shall have the following duties and responsibilities:

(a) As provided in Section 339.175(6)(d), Florida Statutes, the MPO shall create and appoint a technical advisory committee;

(b) As provided in Section 339.175(6)(e), Florida Statutes, the MPO shall create and appoint a citizens' advisory committee;

(c) As provided in Section 163.01(5)(o), Florida Statutes, the MPO membership shall be jointly and severally liable for liabilities, and the MPO may respond to such liabilities through the purchase of insurance or bonds, the retention of legal counsel, and, as appropriate, the approval of settlements of claims by its governing board;

(d) As provided in Section 339.175(9), Florida Statutes, the MPO shall establish a budget which shall operate on a fiscal year basis consistent with any requirements of the Unified Planning Work Program;

(e) The MPO, in cooperation with the Department, shall carry out the metropolitan transportation planning process as required by 23 CFR Parts 420 and 450, and 49 CFR Part 613, and consistent with Chapter 339.175, Florida Statutes, and other applicable state and local laws;

(f) As provided in Section 339.175(10)(a), Florida Statutes, the MPO shall enter into written agreements, which shall be reviewed, and updated as necessary, every 5 years with the Department, operators of public transportation systems and the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan area. These agreements will prescribe the cooperative manner in which the transportation planning process will be coordinated and included in the comprehensively planned development of the area;

(g) Prepare the Long-Range Transportation Plan;

(h) In cooperation with the Department, prepare the Transportation Improvement Program;

(i) In cooperation with the Department, prepare and annually update the Unified Planning Work Program;

(j) Prepare a congestion management system for the metropolitan area and cooperate with the Department in the development of all other transportation management systems required by state or federal law;

(k) Assist the Department in mapping transportation planning boundaries required by state or federal law;

(l) Assist the Department in performing its duties relating to access management, functional classification of roads, and data collection;

(m) Execute all certifications and agreements necessary to comply with state or federal law;

(n) Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs;

(o) Perform such other tasks presently or hereafter required by state or federal law; and

(p) Adopt operating rules and procedures.

ARTICLE 6
ADMINISTRATION

Section 6.01. Generally. In addition to its function as the policy-making body of MPO, the Board shall have responsibility to approve the official MPO reports and take the official MPO actions required by Section 339.175, Florida Statutes. The Board Chairman shall serve as the principle administrative officer of the Board and shall have such additional duties and authority as described in the MPO bylaws. An Executive Director shall serve as the principal administration of MPO operations and staff, shall have responsibility for advising the Board regarding official MPO business and administration. The Executive Director shall have responsibility for the day-to-day administration of MPO operations, supervision of MPO staff, consultants and contractors, establishment of procedures and operational policies governing MPO administration and staff, and such other responsibilities as are set forth in the MPO bylaws.

Section 6.02. Administrative Support. The MPO shall operate as an independent legal entity, employ its own staff, and enter into any contracts necessary or convenient for its operations and administration. The MPO may contract for office space and administrative support and, alternatively or additionally, enter into arrangements with one or more of the member cities or counties for such purposes, setting forth the nature, scope and terms of service and method of compensation therefore. Such compensation may be by direct payment, by credit against monies due under Section 7.01, or a combination thereof.

Section 6.03. Recommendations and Reports. The Executive Director shall have responsibility to ensure that the Board timely receives all necessary and appropriate recommendations and reports for the efficient performance of the MPO's obligations. Unless otherwise provided by law or MPO bylaws, all recommendations and reports by MPO staff, consultants, contractors, committees and advisory bodies shall be directed to the Executive Director, who will thereafter formulate a recommendation(s) or report to the Board for consideration and coordinate such staff and other presentations to the Board as appropriate.

Section 6.04 Delegation. The Board may, in accordance with MPO bylaws, delegate authority to one or more of its members to act on behalf of the Board as necessary for the efficient and effective performance of MPO obligations. The MPO bylaws shall provide procedures and criteria for such delegation, which shall ensure that such delegation is limited in scope and time appropriate for the intended purpose and as necessary to comply with law, and is subject to Board ratification or approval whenever practicable. Any such delegation shall be subject to the requirements of the Sunshine Law, when applicable. Additionally, the Board may, in accordance with MPO bylaws, delegate certain duties to the Executive Director, subject to such limitations in scope, direction and supervision by the Board as appropriate for the intended purpose and as necessary to comply with law.

Section 6.05 General Counsel. The MPO may employ a general counsel, who shall serve under contract and at the pleasure of the Board, providing legal counsel and services to the MPO and its Executive Director at the direction of the Board, the Board Chairman and the Executive Director.

ARTICLE 7
FUNDING; INVENTORY REPORT; RECORD-KEEPING

Section 7.01. Funding. Pursuant to Section 339.175(6)(f), Florida Statutes, the Department shall allocate to the MPO for its performance of its transportation planning and programming duties, an appropriate amount of federal transportation planning funds. The MPO will be responsible for the establishment of procedures and operational policies governing all other MPO funding allocations and responsibilities as set forth in the MPO bylaws.

Section 7.02. Inventory report. The MPO agrees to inventory, to maintain records of and to insure proper use, control, and disposal of all nonexpendable tangible property acquired pursuant to funding under this Agreement. This shall be done in accordance with the requirements of 23 CFR Part 420, 49 CFR Part 18, and all other applicable federal regulations.

Section 7.03. Record-keeping and document retention. The Department and the MPO shall prepare and retain all records in accordance with the federal and state requirements, including but not limited to 23 CFR Part 420, 49 CFR Part 18, 49 CFR 18and Chapter 119, Florida Statutes. The Executive Director or his designee shall be the custodian of official MPO records.

ARTICLE 8

MISCELLANEOUS PROVISIONS

Section 8.01. Constitutional or statutory duties and responsibilities of parties. This Agreement shall not be construed to authorize the delegation of the constitutional or statutory duties of any of the parties. In addition, this Agreement does not relieve any of the parties of an obligation or responsibility imposed upon them by law, except to the extent of actual and timely performance thereof by one or more of the parties to this Agreement or any legal or administrative entity created or authorized by this Agreement, in which case this performance may be offered in satisfaction of the obligation or responsibility.

Section 8.02. Amendment of Agreement. Amendments or modifications of this Agreement may only be made by written agreement signed by all parties here to with the same formalities as the original Agreement. No amendment may alter the apportionment or jurisdictional boundaries of the MPO without approval by the Governor.

Section 8.03. Duration; withdrawal procedure.

(a) Duration. This Agreement shall remain in effect until terminated by mutual agreement of all parties to this Agreement. The Governor shall review the composition of the MPO membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of Census, and reapportion it as necessary to comply with Section 339.175, Florida Statutes, as appropriate. During examination of the MPO apportionment by the Governor, this Agreement shall also be reviewed by the MPO and the Department to confirm the validity of the contents and to recommend amendments, if any, that are required.

(b) Withdrawal procedure. Any party, except Leon County and the City of Tallahassee and the United States Bureau of the Census designated center city(ies), may withdraw from this Agreement after presenting in written form a notice of intent to withdraw to the other parties to this Agreement and the MPO, at least 90 days prior to the intended date of withdrawal. Withdrawal of one or more members of this MPO shall not result in termination of this Agreement or the MPO. Unless agreed in writing by the remaining members of the MPO, withdrawal by a member shall be effective at the end of the MPO's fiscal year during which the memorandum of withdrawal was received, and any financial or other obligation of the withdrawing member shall remain in effect for the remainder of said fiscal year. Upon receipt of the intended notice of withdrawal:

(1) The withdrawing member and the MPO shall execute a memorandum reflecting the withdrawal of the member and alteration of the list of member governments that are signatories to this Agreement. The memorandum shall be filed in the Office of the Clerk of the Circuit Court of each county in which a party hereto is located; and

(2) The Office of the Governor shall be contacted, and the Governor, with the agreement of the remaining members of the MPO, shall determine whether any reapportionment of the membership shall be appropriate. The Governor and the MPO shall review the previous MPO designation, applicable Florida and local law, and MPO rules for appropriate revision. In the event that another entity is to accorded membership in the place of the member withdrawing from the MPO, the parties acknowledge that pursuant to 23 CFR 450.306(k), adding membership to the MPO does not automatically require redesignation of the MPO. In the event that a party who is not a signatory to this Agreement is accorded membership on the MPO, membership shall not become effective until this Agreement is amended to reflect that the new member has joined the MPO.

Section 8.04. Notices. All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or dispatched by certified mail, postage prepaid, return receipt requested. Notice required to be given shall be as provided in the MPO bylaws All notices to the Department shall be addressed to the District Three Secretary, Florida Department of Transportation, Post Office Box 607, Chipley, Florida 32428.

Section 8.05. Interpretation.

(a) Drafters of Agreement. The Department and the members of the MPO were each represented by or afforded the opportunity for representation by legal counsel and participated in the drafting of this Agreement and in choice of wording. Consequently, no provision hereof should be more strongly construed against any party as drafter of this Agreement.

(b) Severability. Invalidation of any one of the provisions of this Agreement or any part, clause or word hereof, or the application thereof in specific circumstances, by judgment, court order, or administrative hearing or order shall not affect any other provisions or applications in other circumstances, all of which shall remain in full force and effect; provided, that such remainder would then continue to conform to the terms and requirements of applicable law.

(c) Renumbering or Revisions to Statutory Provisions. To the extent that any statutory revisions occur between the date of this Interlocal Agreement and its five year review, it is the intent of the CRTPA to incorporate the changes or renumbering of the statutory provisions into this Interlocal Agreement.

(d) Rules of construction. In interpreting this Agreement, the following rules of construction shall apply unless the context indicates otherwise:

(1) The singular of any word or term includes the plural;

(2) The masculine gender includes the feminine gender; and

(3) The word “shall” is mandatory, and “may” is permissive.

Section 8.06. Enforcement by parties hereto. In the event of any judicial or administrative action to enforce or interpret this Agreement by any party hereto, each party shall bear its own attorney’s fees in connection with such proceeding.

Section 8.07. Agreement execution; Use of counterpart signature pages. This Agreement, and any amendments hereto, may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

Section 8.08. Effective date; Cost of recordation.

(a) Effective date. This Agreement shall become effective upon its filing in the Office of the Clerk of the Circuit Court of each county in which a party hereto is located. Any amendment hereto shall become effective only upon its filing in the Office of the Clerk of the Circuit Court for each county in which a party hereto is located.

(b) Recordation. The Counties of GADSDEN, JEFFERSON, LEON and WAKULLA hereby agree to pay for any costs of recordation or filing of this Agreement in the Office of the Circuit Court for each county in which a party is hereto located. The recorded or filed original hereof, or any amendment, shall be returned to the MPO for filing in its records.

IN WITNESS WHEREOF, the undersigned parties have executed this Interlocal Agreement on behalf of the referenced legal entities and hereby establish the above designated MPO.

Signed, Sealed and Delivered in the presence of:

Passed and adopted by the Board of County Commissioners of Gadsden County, this _____ day of _____, 2013.

_____
Douglas M. Croley, Chairperson
Board of County Commissioners

ATTEST:
NICHOLAS THOMAS, CLERK OF THE COURT
GADSDEN COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
GADSDEN COUNTY ATTORNEY

BY: _____
Deborah Minnis, Esq.

(Signature Pages Continue)

Passed and adopted by the Board of County Commissioners of Jefferson County, this _____ day of _____, 2013.

_____
John Nelson, Chair
Board of County Commissioners

ATTEST:
KIRK REAMS, CLERK OF THE COURT
JEFFERSON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
JEFFERSON COUNTY ATTORNEY

BY: _____
T. Buckingham Bird, Esq.

(Signature Pages Continue)

Passed and adopted by the Board of County Commissioners of Leon County, this _____ day of _____, 2013.

_____
Nicholas Maddox, Chair
Board of County Commissioners

ATTEST:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE

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

(Signature Pages Continue)

Passed and adopted by the Board of County Commissioners of Wakulla County, this _____ day of _____, 2013.

_____
Randy Merritt, Chair
Board of County Commissioners

ATTEST:
BRENT X. THURMOND, CLERK OF THE COURT
WAKULLA COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
WAKULLA COUNTY ATTORNEY

BY: _____
Heather Encinosa, Esq.

(Signature Pages Continue)

Passed and adopted by the Chattahoochee City Commission, this _____ day of _____, 2013.

_____
Kenneth Kimrey
Mayor, City of Chattahoochee

ATTEST:
GAYLE LANIER, TREASURER, CLERK
CITY OF CHATTAHOOCCHEE, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF CHATTAHOOCHEE

BY: _____
John D. House, Esq.

(Signature Pages Continue)

Passed and adopted by the Gretna City Commission, this _____ day of _____, 2013.

_____
Clarence M. Jackson II
Mayor, City of Gretna

ATTEST:
NICHOLAS THOMAS, TREASURER, CLERK
CITY OF GRETNA, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF GRETNA

BY: _____
Harold Knowles, Esq.

(Signature Pages Continue)

Passed and adopted by the Midway City Commission, this _____ day of _____, 2013.

_____
Ella Barber
Mayor, City of Midway

ATTEST:
FRANCES HARRELL, CLERK
CITY OF MIDWAY, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF MIDWAY ATTORNEY

BY: _____
Henry Hunter, Esq.

(Signature Pages Continue)

Passed and adopted by the Quincy City Commission, this _____ day of _____, 2013.

_____
Angela G. Sapp
Mayor, City of Quincy

ATTEST:
SYLVIA HICKS, TREASURER, CLERK
CITY OF QUINCY, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF QUINCY

BY: _____
Larry White, Esq.

(Signature Pages Continue)

Passed and adopted by the Tallahassee City Commission, this _____ day of _____, 2013.

_____
John Marks, Mayor
City of Tallahassee

ATTEST:
JAMES O. COOK, IV, TREASURER, CLERK
CITY OF TALLAHASSEE, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF TALLAHASSEE ATTORNEY'S OFFICE

BY: _____
Lewis E. Shelley, Esq.

(Signature Pages Continue)

Passed and adopted by the Greensboro Town Council, this _____ day of _____, 2013.

_____
William K. Pitts Jr.
Mayor, Town of Greensboro

ATTEST:
H. MAXWELL FLETCHER, TREASURER, CLERK
TOWN OF GREENSBORO, FLORIDA

BY: _____

APPROVED AS TO FORM:
TOWN OF GREENSBORO

BY: _____
Alan Jackson, Esq.

(Signature Pages Continue)

Passed and adopted by the Havana Town Council, this _____ day of _____, 2013.

_____
T. J. Davis
Mayor, Town of Havana

ATTEST:
SHEILA EVANS, CLERK
TOWNOF HAVANA, FLORIDA

BY: _____

APPROVED AS TO FORM:
TOWN OF HAVANA

BY: _____
Alex Hinson, Esq.

(Signature Pages Continue)

Passed and adopted by the School Board of Leon County, this _____ day of _____, 2013.

_____
Georgia Bowen, Chair
School Board of Leon County

ATTEST:

BY: _____

APPROVED AS TO FORM:
SCHOOL BOARD OF LEON COUNTY

BY: _____
Jeff Wahlen, Esq.

(Signature Pages Continue)

Agreed to by the State of Florida Department of Transportation, this _____ day of _____, 2013.

_____
James T. Barfield, P.E.
FDOT District III Secretary

ATTEST:

BY: _____
Executive Secretary

Legal Review:
OFFICE OF THE GENERAL COUNSEL

BY: _____
Samuel Henderson, Esq.

(Signature Pages Continue)

APPROVED AS TO FORM AND LEGALITY:
CRTPA GENERAL COUNSEL

BY: _____
Thornton Williams, Esq.

Leon County
Board of County Commissioners

Notes for Agenda Item #4

Leon County
Board of County Commissioners

Cover Sheet for Agenda #4

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of Payment of Bills and Vouchers Submitted for April 9, 2013, and Pre-Approval of Payment of Bills and Vouchers for the Period of April 10 through April 22, 2013

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Scott Ross, Director, Office of Financial Stewardship

Fiscal Impact:

This item has a fiscal impact. All funds authorized for the issuance of these checks have been budgeted.

Staff Recommendation:

Option #1: Approve the payment of bills and vouchers submitted for April 9, 2013, and pre-approve the payment of bills and vouchers for the period of April 10 through April 22, 2013.

Report and Discussion

This agenda item requests Board approval of the payment of bills and vouchers submitted for approval April 9, 2013 and pre-approval of payment of bills and vouchers for the period of April 10 through April 22, 2013. The Office of Financial Stewardship/Management and Budget (OMB) reviews the bills and vouchers printout, submitted for approval during the April 9, 2013 meeting, the morning of Monday, April 8, 2013. If for any reason, any of these bills are not recommended for approval, OMB will notify the Board.

Due to the Board not meeting the third Tuesday in April, it is advisable for the Board to pre-approve payment of the County's bills for April 10 through April 22, 2013, so that vendors and service providers will not experience hardship because of delays in payment. The OMB office will continue to review the printouts prior to payment and if for any reason questions payment, then payment will be withheld until an inquiry is made and satisfied, or until the next scheduled Board meeting. Copies of the bills/vouchers printout will be available in OMB for review.

Options:

1. Approve the payment of bills and vouchers submitted for April 9, 2013, and pre-approve the payment of bills and vouchers for the period of April 10 through April 22, 2013.
2. Do not approve the payment of bills and vouchers submitted for April 9, 2013, and do not pre-approve the payment of bills and vouchers for the period of April 10 through April 22, 2013.
3. Board direction.

Recommendation:

Option #1.

VSL/AR/SR/cc

Leon County
Board of County Commissioners

Notes for Agenda Item #5

Leon County

Board of County Commissioners

Cover Sheet for Agenda #5

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of the First Amendment to the Bond Community Health Center's FY 2012-2013 Primary Healthcare Contract and Approval of the Letter of Agreement with the Agency for Healthcare Administration

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Candice M. Wilson, Director, Office of Human Services and Community Partnerships
Lead Staff/ Project Team:	Eryn D. Calabro, Financial Compliance Administrator

Fiscal Impact:
This item has no fiscal impact to the County. The County has allocated $805,140 for primary healthcare, women, children's health services, and mental health services, of which a total of $626,891 is currently remitted as grant matching funds. This amendment to the contract would increase the matching funds to $699,346 thereby, would reduce the remaining reimbursable funding for Bond Community Health Center from $178,249 to $105,794.

Staff Recommendation:
Option #1: Approve the First Amendment to the Bond Community Health Center's FY 2012-2013 Primary Healthcare Contract (Attachment #1), and authorize the County Administrator to execute.

Option #2: Approve the Letter of Agreement with the Agency for Healthcare Administration (Attachment #2), and authorize the County Administrator to execute.

Report and Discussion

Background:
A request was received from the Interim CEO of Bond Community Health Center (CHC) to utilize a portion of the contracted Pharmacy dollars as a match in support of a new Agency for Health Care Administration's (AHCA) LIP grant (Attachments #3 and #4). Currently, Leon County provides funding to Bond Community Health Center, Inc. (Bond CHC) for healthcare services to uninsured and indigent residents of Leon County. Bond CHC receives $332,052 for primary healthcare services, $245,588 for women and children's health services, $177,500 for pharmacy services, and $50,000 for mental health services for a total of $805,140. Currently, a portion of the funding is allocated to the Agency for Health Care Administration's (AHCA) Low Income Pool (LIP), as matching funds, for the expansion of healthcare services to low-income residents. Of the $805,140 allocated for primary healthcare, women and children's health services and mental health services, $626,891 is provided as a match. This match allows Bond to receive more than $2.5 million in state and local funding. The remaining County funding of $178,249 is to be reimbursed to Bond CHC for services including pharmacy staffing.

Analysis:
Bond CHC has been receiving the $177,500 in funding for pharmacy staffing reimbursements since 2009. Bond CHC has indicated, in its letter of request, that a portion of the staffing costs, previously supported by the County, will now be supported by patient revenue derived from self-pay/co-pay, Medicaid reimbursement, and third-party insurance. The remaining County dollars will be used to support the Pharmacy as follows:

Proposed Partially Funded Pharmacy Program Expense (Bond CHC FY12/13)	
1.0 FTE Pharmacy Manager (Salary + Fringe)	$71,016
1 x 1.0 FTE Pharmacy Technician (Salary + Fringe)	$24,856
.50 FTE PAP Coordinator (Salary + Fringe)	$9,173
Total:	**$105,045**

AHCA Low Income Pool
The Medicaid Low Income Pool (LIP) grant is made available to Bond CHC as a Federally Qualified Health Center. Per House Bill 5001, the General Appropriations Act of State Fiscal Year 2012-2013, passed by the 2012 Florida Legislature, funding, in the amount of $98,955 is available to Bond CHC with a match contribution from the County of $72,455. This match will net Bond CHC a total of $171,410.

Bond CHC intends to utilize the full $171,410 to maintain and support operations of the Mobile Unit in order to provide services to patients throughout Leon County. Additionally, the funding will provide for the clinical and outreach staff consisting of an Advanced Registered Nurse Practitioner (ARNP), Licensed Practical Nurse (LPN), Medical Assistant (MA), Spanish Speaking Outreach Worker, Intake Specialist and Driver for the Mobile Unit. The Mobile Unit provides an additional resource to mitigate the barrier for patients in Leon County who do not have access to the Health Center. By funding the Mobile Unit, additional Leon County residents can now be afforded quality health care access. Meanwhile, Bond CHC maintains that the Pharmacy will remain operational and fully staffed through the combined funding of County and non-County dollars.

Approval of the First Amendment to the Contract with Bond CHC and Board approval of the Letter of Agreement between Leon County and the Agency for Healthcare Administration in the amount of $72,455 to match the Medicaid Low Income Pool funds for the Bond Community Health Center would mean reducing the FY 12/13 provider's reimbursable allocation, which includes funds for pharmacy staffing, from $178,249 to $105,794. By allowing Bond CHC to utilize a portion of the pharmacy staffing dollars, they would receive $98,955 from the State for a total of $171,410 in Medicaid Low Income Pool funds. Approval of this Amendment is consistent with previous Board actions regarding amendments to Bond CHC's Contract for Medicaid LIP funding.

Options:

1. Approve the First Amendment to the Bond Community Health Center FY 2012-2013 Primary Healthcare Contract, and authorize the County Administrator to execute.
2. Approve the Letter of Agreement with the Agency for Healthcare Administration, and authorize the County Administrator to execute.
3. Do not approve the First Amendment to the Bond Community Health Center's FY 2012-2013 Primary Healthcare Contract.
4. Board direction.

Recommendation:

Options #1 and #2.

Attachments:

1. First Amendment to the Bond Community Health Center Standard Contract
2. Letter of Agreement with the Agency for Healthcare Administration
3. Bond CHC Letter of Request
4. Addendum to Bond CHC Letter of Request

FIRST AMENDMENT TO CONTRACT

THIS FIRST AMENDMENT TO THE CONTRACT dated January 14, 2013, by and between Leon County, Florida and Bond Community Health Center, Inc., is made and entered into this _____ day of April, 2013.

NOW THEREFOR, in consideration of the following mutual covenants and promises, the sufficiency of which being acknowledged, the Parties do hereby agree:

Section 1.

Section II. The County Agrees:

Section II. A., Contract Amount, of the Contract dated January 14, 2013, shall be and hereby is deleted in its entirety and replaced with the following:

> To pay for contracted services according to the conditions of Attachment I in an amount of up to $125.00 per patient visit for Primary Care and Women and Children's Services, not to exceed a total of $332,052 for Primary Care, $245,588 for Women & Children's Services, $177,500 for Pharmacy Services and $80.00 per patient visit for Mental Health Services not to exceed $50,000 for a total contract amount of $805,140, of which, $699,346 will be remitted as grant matching funds to the Agency for Healthcare Administration, and $105,794 will be reimbursed to the Provider, subject to the availability of funds. Leon County's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Board of County Commissioners. The costs of services paid under any other contract or from any other source are not eligible for reimbursement under this contract.

Section III. The Provider and the County Mutually Agree:

Section III. E., All Terms and Conditions Included, Attachment I, Section C, Method of Payment, number 5, of the Contract dated January 14, 2013, shall be and hereby is deleted in its Entirety and replaced with the following:

> Payment for pharmacy services shall be made by the County upon receipt of valid invoice by Provider at a monthly rate equal to no more than one twelfth (1/12) of the following total contractual amount: $105,045. The contractual amount is based upon the following line items (for twelve months):
>
> Pharmaceutical Care Services:
> 1720 South Gadsden Street
> 1.0 FTE RX Manager
> $71,016.34 (salary + fringe)

1.0 FTE Pharmacy Technician
$24,855.72 (salary + fringe)

.50 FTE PAP Technician
$9172.94 (salary + fringe)

No line item (as identified above) payment shall be made until such time as the staff members identified in Section 6 of this contract are hired by the Contractor or County authorized Subcontractor. Similarly, no payment shall be made if the required monthly reports are not attached to the monthly invoice appropriately.

Section 2.

All other provisions of the Contract dated January 14, 2013, not otherwise inconsistent with the provisions herein shall remain in full force and effect.

Section 3.

This First Amendment to the Contract dated January 14, 2013, shall become effective upon full execution hereof.

(Remainder of page intentionally left blank)

DONE AND EXECUTED this _____ day of April, 2013.

WITNESS BY:

_____
(Print Name and Title)

_____
(Signature)

BOND COMMUNITY HEALTH CENTER, INC.

By:_____
Debra Weeks, Chief Administrative Officer/Interim CEO

Date:_____

LEON COUNTY, FLORIDA

BY:_____
Nicholas Maddox, Chairman
Board of County Commissioners

ATTESTED BY:
Bob Inzer, Clerk of Circuit Court

BY:_____

Approved as to Form:

COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

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

Letter of Agreement

THIS LETTER OF AGREEMENT is made and entered into in duplicate on the _____ day of April, 2013, by and between Leon County, Florida, a political subdivision of the State of Florida, (hereinafter referred to as the "County"), and the State of Florida, through its Agency for Health Care Administration (hereinafter referred to as the "Agency"),

1. Per House Bill 5001, the General Appropriations Act of State Fiscal Year 2012-2013, passed by the 2012 Florida Legislature, County and the Agency, agree that County will remit to the Agency an amount not to exceed a grand total of $72,455.

    a. The County and the Agency have agreed that these funds will only be used to increase the provision of health services for the Medicaid, uninsured, and underinsured people of the County and the State of Florida at large.

    b. The increased provision of Medicaid, uninsured, and underinsured funded health services will be accomplished through the following Medicaid programs:

        i. The Disproportionate Share Hospital (DSH) program.

        ii. The removal of inpatient and outpatient reimbursement ceilings for teaching, specialty and community hospital education program hospitals.

        iii. The removal of inpatient and outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent.

        iv. The removal of inpatient and outpatient reimbursement ceilings for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are trauma centers.

        v. Increase the annual cap on outpatient services for adults from $500 to $1,500.

        vi. Medicaid Low Income Pool (LIP) payments to rural hospitals, trauma centers, specialty pediatric hospitals, primary care services and other Medicaid participating safety-net hospitals.

        vii. Medicaid LIP payments to hospitals in the approved appropriations categories.

        viii. Medicaid LIP payments to Federally Qualified Health Centers.

        ix. Medicaid LIP payments to Provider Access Systems (PAS) for Medicaid and the uninsured in rural areas.

        x. Medicaid LIP payments for the expansion of primary care services to low income, uninsured individuals.

2. The County will pay the Agency an amount not to exceed the grand total amount of $72,455. The County will transfer payments to the Agency in the following manner:

    a. The first 50% to be remitted by May 30, 2013 and the remaining 50% to be remitted by June 30, 2013.

    b. The Agency will bill the County $36,227.50 for the first payment and $36,227.50 for the final payment.

3. Timelines: This agreement must be signed and submitted to the Agency no later than April 30, 2013, to be effective for SFY 2012-2013.

4. Attached are the DSH and LIP schedules reflecting the anticipated annual distributions for State Fiscal Year 2012-2013.

5. The County and the Agency agree that the Agency will maintain necessary records and supporting documentation applicable to Medicaid, uninsured, and underinsured health services covered by this Letter of Agreement. Further, the County and Agency agree that the County shall have access to these records and the supporting documentation by requesting the same from the Agency.

6. The County and the Agency agree that any modifications to this Letter of Agreement shall be in the same form, namely the exchange of signed copies of a revised Letter of Agreement.

7. The County confirms that there are no pre-arranged agreements (contractual or otherwise) between the respective counties, taxing districts, and/or the providers to re-direct any portion of these aforementioned Medicaid supplemental payments in order to satisfy non-Medicaid, non-uninsured, and non-underinsured activities.

8. The County agrees the following provision shall be included in any agreements between the County and local providers where funding is provided for the Medicaid program. Funding provided in this agreement shall be prioritized so that designated funding shall first be used to fund the Medicaid program (including LIP) and used secondarily for other purposes.

9. The Agency will reconcile the difference between the amount of the IGTs used by or on behalf of individual hospitals' buybacks of their Medicaid inpatient and outpatient trend adjustments or exemptions from reimbursement limitations for SFY 2011-12 and an estimate of the actual annualized benefit derived based on actual days and units of service provided. Reconciliation amount may be incorporated into current year (SFY 2012-13) LOAs.

10. This Letter of Agreement covers the period of July 1, 2012 through June 30, 2013 and shall be terminated June 30, 2013.

WITNESSETH:

IN WITNESS WHEREOF the parties have duly executed this Letter of Agreement on the day and year above first written.

Leon County, Florida

_____
Nicholas Maddox, Chairman
Board of County Commissioners

State of Florida, Agency for Health Care Administration

_____
Phil E. Williams
Assistant Deputy Secretary for Medicaid Finance, Agency for Health Care Administration

Attest:
Bob Inzer, Clerk of the Court
Leon County, Florida

By: _____

Approved as to form:
Leon County Attorney's Office

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

Local Government Intergovernmental Transfers	
Program / Amount	**State Fiscal Year 2012-2013**
DSH	
LIP, Exemptions & SWI	72,455
Nursing Home SMP	
Total Funding	**$72,455**

Bond Community Health Center, Inc.

Eryn Calabro
Financial Compliance Administrator
Office of Human Services and
Community Partnerships
918 Railroad Avenue
Tallahassee, Florida 32310

March 25, 2013

Ms. Calabro,

As you may be aware, I have just returned from Washington, DC for the NACHC Policy and Issues Conference and would like to thank you for extending the date of my response. As a follow up to your email dated 3/22/2013 the Bond Community Health Center, Inc. (BCHC) is formally requesting to amend the current contract to use $72,455 of pharmacy staffing funding from $177,500 for the AHCA LIP funding grant.

Accordingly BCHC will attempt to answer each bullet:

- Specify what is this particular AHCA LIP grant for and how much it is:

  Per House Bill 5001, the General Appropriations Act of State Fiscal Year 2012-2013, passed by the 2012 Florida Legislature, County and the Agency, the County will remit to the State an amount not to exceed a grand total of $72,455. With this match, the State of Florida will make available $98,955 for a total of $171,410.

  a. *The County and the Agency have agreed that these funds will only be used to increase the provision of health services for the Medicaid, uninsured, and underinsured people of the County and the State of Florida at large.*

  b. *The increased provision of Medicaid, uninsured, and underinsured funded health services will be accomplished through the following Medicaid programs:*

     i. *The Disproportionate Share Hospital (DSH) program.*

     ii. *The removal of inpatient and outpatient reimbursement ceilings for teaching, specialty and community hospital education program hospitals.*

iii. *The removal of inpatient and outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent.*

iv. *The removal of inpatient and outpatient reimbursement ceilings for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are trauma centers.*

v. *Increase the annual cap on outpatient services for adults from $500 to $1,500.*

vi. *Medicaid Low Income Pool (LIP) payments to rural hospitals, trauma centers, specialty pediatric hospitals, primary care services and other Medicaid participating safety-net hospitals.*

vii. *Medicaid LIP payments to hospitals in the approved appropriations categories.*

viii. *Medicaid LIP payments to Federally Qualified Health Centers.*

ix. *Medicaid LIP payments to Provider Access Systems (PAS) for Medicaid and the uninsured in rural areas.*

x. *Medicaid LIP payments for the expansion of primary care services to low income, uninsured individuals.*

- Detail how you will use the total funding:

  The total funds from this grant $171,410 related to fiscal year 2012-12013 will assist us with maintaining and supporting the operations of the Mobile Unit to provide services to patients throughout Leon County at various sites. In addition, clinical and outreach staff consisting of an ARNP, LPN, MA, Outreach worker, Intake Specialist and Driver will provide services to the Mobile Unit. Other operating costs include medical supplies and fuel. The mobile unit provides an additional resource to mitigate the barrier for patients in Leon County who do not have access to the Health Center located at 1720 Gadsden Street.

- How will it benefit the County to fund these positions <u>rather than</u> the pharmacy staff?

  For the 2012/2013 fiscal year, additional Leon County residents can now be afforded quality health care with access to the Mobile Unit.

  The Pharmacy will remain operational and fully staffed.

- How will the pharmacy staffing be funded now? (Detail how the remaining, if any, of the funding will used for staffing. Titles, FTEs, salaries, fringe)

  The Pharmacy staffing previously supported by the County will now be supported by patient revenue derived from self-pay/co-pay, Medicaid reimbursement and third-party insurance to maintain the following:

1 FTE Pharmacy Manager	$120,000 (salary + fringe)
1 FTE Pharmacy Technician	$ 42,000 (salary + fringe)
.5 FTE PAP Technician	$ 15,500 (salary + fringe)
Total	$177,500

If there are any additional questions or information needed please contact me at (850) 321-5333 or Mrs. Poole at (850) 576-4073, ext. 273. Once again, the Bond Community Health Center, Inc. appreciates your continued support of the services we provide to Leon County.

Sincerely,

Debra Weeks, MSW
Chief Administrative Officer / Interim CEO
Bond Community Health Center, Inc.
1720 South Gadsden Street
Tallahassee, Florida 32301

Cc: Angela Poole, CFO, BCHC
Candice Wilson, Director, Office of Human Services and Community Partnerships
Kimberly Dressel, Director of Management Services

Candice Wilson - follow up

From: "Angela Poole" <apoole@bondchc.com>
To: "Candice Wilson" <WilsonCa@leoncountyfl.gov>, <rosensweiga@leoncountyfl....
Date: 3/27/2013 12:18 PM
Subject: follow up
CC: "Debra Weeks" <dweeks@bondchc.com>

Alan and Candice,

Thank you for meeting with me this morning.

As discussed, $72,455 will be shifted from Pharmacy staffing to apply as match towards the LIP grant for $171,410 ($98,955 from State funds.) The remaining $105,045 will be available for further match dollars if an additional matching grant becomes available before the end of the County's fiscal year. Until such an opportunity is identified, these funds will remain for Pharmacy staffing.

To clarify the last bullet on the agenda item request letter, Pharmacy staffing of $177,500 will be funded as follows: $105,045 from the County and $72,455 from patient revenue derived from Medicaid, third-part insurance and sliding fee self-pay/co-payments.

If you have any additional questions, please do not hesitate to contact me at (850)57+-4073 ext. 273 or on my cell at (6778)910-2487.

Truly,

Angela

Leon County
Board of County Commissioners

Notes for Agenda Item #6

Leon County
Board of County Commissioners

Cover Sheet for Agenda #6

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval to Submit 2013 Florida Department of Health, Bureau of Emergency Medical Services Matching Grant Application

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Tom Quillin, Chief, Division of Emergency Medical Services
Lead Staff/ Project Team:	Mac Kemp, Deputy Chief, Division of EMS

Fiscal Impact:

This item is associated with a grant and has no immediate fiscal impact. The grant process requires a 25% match on the part of the applicant. If the County received funding for the grant, the total match required would be $10,800. If the grant is awarded, an agenda item will be brought back to the Board for acceptance of the grant and associated allocation of matching funds. There is adequate funding available in the EMS Fund.

Staff Recommendation

Option #1 Approve the submittal of the 2013 Florida Department of Health, Bureau of Emergency Medical Services matching grant application, and authorize the County Administrator to execute documents associated with this grant application.

Report and Discussion

Background:

This agenda item seeks Board approval to submit a matching grant application to the Florida Department of Health, Bureau of Emergency Medical Services (DOH/EMS), which will be used to fund community Cardio Pulmonary Resuscitation (CPR) training programs.

Each year the DOH/EMS makes funding available to EMS organizations in Florida through matching grants. The DOH/EMS provides 75% of the funding towards the project with the County being responsible for a 25% match. The purpose of this grant is to improve and enhance pre-hospital emergency medical services.

This grant project is essential to the following FY2012 & FY2013 Strategic Initiatives that the Board approved at the January 29, 2013 meeting:

- "Provide community risk reduction programs (such as AED/CPR training)"
- "Support programs which advocate for AED's in public spaces"
- "Provide Emergency Medical Services."

These particular Strategic Initiatives align with the Board's Strategic Priorities – Quality of Life,

> "Provide essential public safety infrastructure and services which ensures the safety of the entire community." (Q2)
>
> "Maintain and further develop programs and partnerships necessary to support a healthy community, including: access to health care and community-based human services." (Q3)

Analysis:
The application consists of one matching grant which is funded on a competitive basis.

- *Cardio Pulmonary Resuscitation Rally/Training* – Total Cost - $43,200 ($32,400 grant/$10,800 match) This grant is to provide CPR training to minorities and citizens in Leon County through CPR Rallies and other continuing training efforts.

The matching grant process is a highly competitive process. If the County received funding for the grant, the total match required would be $10,800. If the grant is awarded, an agenda item would be brought back to the Board for acceptance of the grant and associated allocation of matching funds. There is adequate funding available in the EMS Fund.

Options:

1. Approve the submittal of the 2013 Florida Department of Health, Bureau of Emergency Medical Services, matching grant application, and authorize the County Administrator to execute documents associated with this grant application.
2. Do not approve the submittal of the 2013 Florida Department of Health, Bureau of Emergency Medical Services, matching grant application.
3. Board direction.

Recommendation:
Option #1.

VSL/AR/TQ/MK/ab

Leon County
Board of County Commissioners

Notes for Agenda Item #7

Leon County
Board of County Commissioners

Cover Sheet for Agenda #7

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of a Resolution to Suspend Assessment of Fees for Requests to Extend Environmental Management Permits as Part of Economic Stimulus Strategies for Development and Related Activities

---

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Director, Public Works and Community Development David McDevitt, Director, Department of Development Support and Environmental Management
Lead Staff/ Project Team:	John Kraynak, Director, Environmental Services Division

Fiscal Impact:
This item has a minimal fiscal impact. The estimated revenue, which is utilized to offset the operation of the Development Support and Environmental Management Department, loss from this proposal is anticipated to be minimal.

Staff Recommendation:
Option #1: Approve the Resolution to suspend assessment of fees for requests to extend environmental management permits as part of economic stimulus strategies for development and related activities through December 31, 2013 (Attachment #1).

Report and Discussion

Background:

At the September 2, 2008 Board meeting, staff was directed to provide additional detail regarding anticipated impacts associated with several economic development incentives that were identified to encourage development. As the Board's representative to the Economic Development Council (EDC), Commissioner Desloge recommended that the Board consider a strategy similar to what had been approved by the City of Tallahassee.

The Board adopted Resolution R08-56 on October 14, 2008 for purposes of suspending assessment of fees for requests to extend environmental permits. The Resolution intended to provide a "bridge" to allow currently approved, but not built, development projects to remain valid until the local/national economic situation improved. That suspension of extension fees expired on December 31, 2010. On January 18, 2011, the Board adopted Resolution R11-01 for purposes of continuing the suspension of fees to extend environmental permits. That Resolution expired on December 31, 2011.

The economic recovery was slower than anticipated. As a result, the Legislature approved HB 503 in the 2012 legislative session that provided another two-year extension, without payment, if notification was given to the County by December 31, 2012. That legislation expired on December 31, 2012.

This agenda item is essential to the following FY2012 and FY 2013 Strategic Initiative that the Board approved at the January 29, 2013 meeting:

> "Implement strategies that encourage highest quality sustainable development, business expansion and redevelopment opportunities, including consider a policy to continue suspension of fees for environmental permit extensions."

This particular Strategic Initiative aligns with the Board' Strategic Priority – Economy,

> "Support business expansion and job creation…" (EC2)."

Analysis:

The original fee assessment suspension on environmental permit extension requests originated on October 14, 2008, and combined with the Legislative extension last year, lasted 50 months and expired on December 31, 2012. The economic recovery has been slow; therefore, in an effort to accommodate County citizens and businesses, staff recommends the Board approve a new Resolution to continue the suspension for an additional year until December 31, 2013, with a retroactive date of January 1, 2013. The anticipated impacts of this proposal are as follows:

- The proposal would provide a "bridge" to allow currently approved, but not built, development projects to remain valid until the local/national economic situation improves.
- It would allow property owners to maintain their approved project's transportation concurrency capacity reservation, based on the conditions and the mitigation approved at the time of the initial development approval.

- The proposal provides the developer of an approved project the ability to maintain an exempt/vested status from compliance with any new state-mandated concurrency or other growth management-related requirements, including associated mitigation costs.
- If environmental permits are allowed to expire, the project's underlying subdivision and/or site and development plan approval and concurrency determinations would also expire. Reactivation of the project would require payment of all related fees and mitigation costs (PUV, land use approval, environmental permitting, and concurrency review/determination). Therefore, the proposal could potentially save the developer the money and time associated with the reactivation of expired approvals.

Additionally, if a development project has demonstrated compliance with all of the County's applicable standards and requirements, in effect at the time of its initial approval, there does not appear to be substantive negative impact on the community that would result from the approval for an additional time certain period through the extension of the environmental permit. The estimated revenue, which is utilized to off-set the operation of the Development Support and Environmental Management Department, loss from this proposal is anticipated to be minimal. The current Board-approved environmental permit extension fee is assessed at 50% of the original environmental permit fee, up to a cap of $1,200.

Options:

1. Approve the Resolution to suspend assessment of fees for requests to extend environmental management permits as part of economic stimulus strategies for development and related activities through December 31, 2013

.

2. Do not approve the Resolution to suspend assessment of fees for requests to extend environmental management permits through December 31, 2013.

3. Board direction.

Recommendation:

Option #1.

Attachment:

1. Draft Resolution

VSL/TP/DM/JK

RESOLUTION NO. R13-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, SUSPENDING THE FEES CHARGED FOR THE EXTENSION OF PREVIOUSLY APPROVED ENVIRONMENTAL MANAGEMENT PERMITS (EMP) THROUGH DECEMBER 31, 2013.

WHEREAS, the Board of County Commissioners of Leon County, Florida, Board desires to implement certain economic development incentive strategies that could stimulate new development and redevelopment during the current economic down turn in the associated construction, real estate and land development consulting industries, and could also enhance opportunities to establish permanent long-term job opportunities in the County;

WHEREAS, the suspension of fee collections for Environmental Management Permit (EMP) proposals would provide a "bridge" to allow currently approved, but unbuilt, development projects to remain valid until the local/national economic situation improves;

WHEREAS, the fee suspension approved by the Board on January 18, 2011 under Resolution R11-01 expired on December 31, 2011.

WHERAS, the fee suspension approved by the Legislature expired on December 31, 2012.

WHEREAS, if environmental permits are allowed to expire, the project's underlying subdivision and/or site and development plan approval and concurrency determinations would also expire. Reactivation of the project would require payment of all related fees and mitigation costs (PUV, land use approval, environmental permitting, and concurrency review/determination). Therefore, the proposal could potentially save the developer/owner the money and time associated with the reactivation of expired approvals;

WHEREAS, the proposal provides the developer/owner of an approved project the ability to maintain an exempt/vested status from compliance with the state-mandated and concurrency requirements, and the anticipated mitigation costs until the local/national economic situation improves; and,

WHEREAS, through user fees, the Board has committed to recovering the cost of fee-related services provided by the Development Support and Environmental Management Department; specifically the Division of Environmental Services through the adoption of a fee schedule and the impact on overall fee collection is anticipated to be minimal.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

DRAFT

COMMISSIONERS OF LEON COUNTY, FLORIDA, DULY ASSEMBLED IN REGULAR SESSION THIS 9TH DAY OF ARIL 2013, AS FOLLOWS:

Section 1. That under the Fee Category **Amendments/Resubmittals/EMP extension Requests** of the Fee Schedule Effective October 1, 2008 for Development Services & Environmental Services, more specifically subsection **C. Request for EMP Extension**, the associated fee schedule shall be modified, as shown:

~~50% of initial fee up to a maximum of $1,200~~

No fee will be assessed through December 31, 2013 for EMP Extension Requests with a retroactive date of January 1, 2013.

Section 2. That this Resolution shall be effective upon adoption by the Board.

LEON COUNTY, FLORIDA

BY:_____
Nicholas Maddox, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court
Leon County, Florida

BY:_____

Approved as to Form:
Leon County Attorney's Office

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

DRAFT

Leon County
Board of County Commissioners

Notes for Agenda Item #8

Leon County
Board of County Commissioners

Cover Sheet for Agenda #8

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of the Proposed Staffing and Customer Service Enhancements at the Department of Development Support and Environmental Management

---

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Public Works and Community Development David McDevitt, Director, Development Support & Environmental Management
Lead Staff/ Project Team:	Ed Jarriel, Director of Building Plans Review and Inspection

Fiscal Impact:

This item has a fiscal impact. The proposed additional position in the Department's Building Plans Review and Inspection Division for the remainder of FY13 is anticipated to be $38,095. The funds required to support the proposed position will come from the increase in the Division's fee revenues due to increased permitting activity. The attached Resolution and associated Budget Amendment request provides for this budget increase (Attachment #1).

Staff Recommendation:

Option #1: Approve the proposed staffing and customer service enhancements at the Department of Development Support and Environmental Management, and approve the Resolution and associated Budget Amendment Request.

Report and Discussion

Background:

Due to the downturn in the land development and building construction related industries over the past several years, staffing levels at the Department of Development Support and Environmental Management (DSEM) have been significantly reduced. The reduction in staffing was achieved through elimination of vacant positions during the Board's annual budget process, as well as by transferring DSEM staff to other departments and/or divisions vacancies in the County. The DSEM staff downsizing was also a direct result of the reduction in application review fees being collected due to the downturn in the economy. Throughout the implementation of this staff downsizing, it was noted that when development and construction related activities increased, along with an increase in the collection of associated application review fees, staffing enhancements would be proposed to ensure the maintenance of the level of customer service anticipated by the public that utilize the various services provided by DSEM.

Analysis:

The Department's Building Plans Review and Inspection Division is an enterprise operation funded through the collection of building permit application review and associated inspection fees. During the downturn (2008 – 2010), four positions were eliminated from the Division based on the reduction in building permit applications and associated fees. The positions that were eliminated included two Building Inspectors, a Building Plans Reviewer position, and the Deputy Building Official position. The Division's operating budget during the economic downturn was maintained as an enterprise account through the elimination of positions and the utilization of the Division's unappropriated fund balance that had been accumulated prior to the downturn.

The Division's workload, including building plans reviewed, building permits issued, and building inspections completed, has leveled off and/or returned to historical levels. As a result of this return to historical activity levels, the requested position can be fully funded in the current fiscal year and subsequent out years from the associated increase in building permit fee revenue without the use of current fund balance. The Division's workload has transitioned over the past several years from predominately application requests for alterations and additions to existing structures to more application requests for new residential and non-residential structures. This transition in application type has resulted in an increase in associated review and inspection fees. In addition, staff has recently initiated the beta testing of ProjectDox for the building plans submittal, review, and approval process. This expansion will allow applicants to electronically submit building permit applications and associated documentation for review. Similar to the implementation of ProjectDox in the Department's other divisions (Development Services and Environmental Services), it is anticipated that when the program is fully implemented the Building Plans Review and Inspection Division will realize increased review efficiencies, including a reduction in overall review and approval time frames.

Therefore, based on the Division's current workload levels, the associated increase in fee collection, unappropriated fund balance, and proposal to fully implement the ProjectDox electronic submittal and review process for building permit applications, staff is requesting Board approval to re-establish one of the four positions previously eliminated from the Division. If approved, the position would be established as a Building Plans Review Administrator. This would provide three building plans reviewers and five building inspectors, which will allow the Division to maintain the level of service expected by the public. The re-established position would also serve as the Project Manager responsible for the implementation of electronic building permit application submittals utilizing ProjectDox. The re-established position would be funded entirely by the Division's enterprise account and would not impact the County's general revenue funds.

Options:

1. Approve the proposed staffing and customer service enhancements at the Department of Development Support and Environmental Management, and approve the Resolution and associated Budget Amendment Request.

2. Do not approve the proposed staffing and customer service enhancements at the Department of Development Support and Environmental Management, and do not approve the Resolution and associated Budget Amendment Request.

3. Board direction.

Recommendation:
Option #1.

Attachment:
1. Resolution and Budget Amendment Request

VSL/TP/DM/EJ

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2012/2013; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 129, Florida Statutes, desires to amend the budget.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Leon County, Florida, hereby amends the budget as reflected on the Departmental Budget Amendment Request Form attached hereto and incorporated herein by reference.

Adopted this 9th day of April, 2013.

LEON COUNTY, FLORIDA

BY: _____
Nicholas Maddox, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

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

FISCAL YEAR 2012/2013
BUDGET AMENDMENT REQUEST

No: BAB13023
Date: 3/29/2013

Agenda Item No:
Agenda Item Date: 4/9/2013

County Administrator
Vincent S. Long

Deputy County Administrator
Alan Rosenzweig

Request Detail:

Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	***Org***	***Acct***	***Prog***	***Title***			
120	000	322000	000	Building Permit Fees	945,250	38,095	983,345
							-
							-
							-
							-
							-
					Subtotal:	38,095	

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	***Org***	***Acct***	***Prog***	***Title***			
120	220	51200	524	Regular Salaries and Wages	683,334	38,095	721,429
							-
							-
							-
							-
					Subtotal:	38,095	

Purpose of Request:

This budget amendment realizes additional revenue received from Building Plan Permit Fees in the amount of $38,095 to support the proposed staffing increase of one Building Plans Review Administrator. The proposed position would manage the addition of ProjectDox to the Building Plans Review and Inspection Division in its efforts to increase review efficiencies as well as reducing review and approval time frames.

Group/Program Director

Senior Analyst

Scott Ross, Director, Office of Financial Stewardship

Approved By: **Resolution** [X] **Motion** [ ] **Administrator** [ ]

Leon County
Board of County Commissioners

Notes for Agenda Item #9

Leon County
Board of County Commissioners

Cover Sheet for Agenda #9

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approve the First Amendment to the State Highway Lighting Maintenance and Compensation Agreement with Florida Department of Transportation

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Director of Public Works and Community Development
Lead Staff/ Project Team:	Kathy Burke, P.E., Director of Engineering Services

Fiscal Impact:

This item has no net fiscal impact to the County. The reimbursement amount from Florida Department of Transportation (FDOT) is adjusted to reflect the reduction in the total number of lights within the unincorporated area of the County, which will reduce expenditure to the City for maintenance accordingly.

Staff Recommendation:

Option # 1: Approve the First Amendment to the State Highway Lighting Maintenance and Compensation Agreement with Florida Department of Transportation (Attachment #1), and authorize the County Administrator to execute.

Report and Discussion

Background:

In 2002, Florida Department of Transportation (FDOT) initiated a program to reimburse local agencies 90% of the costs for operating and maintaining streetlights along FDOT roadways. Prior to this action, the local agencies had to provide this service without reimbursement. This was not an issue for the County, since there were no streets lights on the FDOT roadways within the unincorporated areas.

The first reimbursement for maintenance of streetlights was for the FY 09/10 budget year.

The most recent Lighting Maintenance and Compensation Agreement with FDOT was approved by the Board on September 20, 2011, and fully executed by the Department on January 9, 2012.

This Agreement contained the modification required for the addition of the e-verify language and stipulated that the inventory of lights was 42 lights. This does not provide maintenance of the streetlights, as Leon County contracts with the City of Tallahassee for this service and essentially passes-thru the funds from FDOT to the City. Each year, FDOT submits a work order to the County with the number of lights its records indicate is within the County's jurisdiction. It is the basis for invoicing the state for reimbursement. With the construction of a number of segments of Capital Circle, this 2012 work order assigned 185 lights to the County.

County staff worked with the City of Tallahassee and FDOT to conduct an audit on the number of lights assigned to each jurisdiction. The numbers were field-verified and the audited count for streetlights within the unincorporated county was 68.

Analysis:

The proposed modification to the Agreement adjusts the number of lights eligible for reimbursement to 68. It further clarifies that the light count has been field verified with the County for accuracy. Operations staff is working with GIS to input the locations into a GIS layer for tracking. If an area with County-assigned streetlights were ever annexed, the light number would need to be adjusted to remove responsibility from the County and transfer to the City. This would be done via adjustments to the light count in the respective lighting agreements.

The FDOT Agreement agrees to pay the County $12,337 for the 68 lights on the state-maintained roadways within the unincorporated area of the County.

Options:

1. Approve the First Amendment to the State Highway Lighting Maintenance and Compensation Agreement with the Florida Department of Transportation, and authorize the County Administrator to execute.
2. Do not approve the First Amendment to the State Highway Lighting Maintenance and Compensation Agreement with the Florida Department of Transportation.
3. Board direction.

Recommendation:
Option #1.

Attachment:
1. First Amendment to the State Lighting Maintenance and Compensation Agreement

VSL/TP/KB/djw/la

FIRST AMENDMENT TO STATE HIGHWAY LIGHTING, MAINTENANCE AND COMPENSATION AGREEMENT DATED JANUARY 9, 2012

BY AND BETWEEN

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
LEON COUNTY

FPN: 405499-1-78-62

THIS FIRST AMENDMENT TO AGREEMENT (the "First Amendment") is made this ____ day of _____, 2013, by and between STATE **OF FLORIDA DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as "FDOT," and **LEON COUNTY**, hereinafter referred to as the "MAINTAINING AGENCY."

RECITALS

WHEREAS, FDOT and the MAINTAINING AGENCY, on January 9, 2012, entered into a State Highway Lighting, Maintenance and Compensation Agreement for the maintenance and reimbursement for direct costs of maintaining lighting located on the State Highway System within the jurisdictional boundaries of the MAINTAINING AGENCY under Contract No. AQ997, Financial Project No. 405499-1-78-62, hereinafter referred to as the Agreement; and

WHEREAS, pursuant to paragraph 2b of the Agreement, a work order was issued on May 23, 2012 reflecting the total number of lights to be maintained as One Hundred Eight-Five (185) lights; and

WHEREAS, the MAINTAINING AGENCY has subsequently informed FDOT that the correct number lights to be maintained is Sixty-Eights (68) lights; and

WHEREAS, FDOT and the MAINTAINING AGENCY mutually desire to amend the Agreement to reflect the correct number of lights to be maintained and the correct amount of compensation to be paid.

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FDOT and the MAINTAINING AGENCY hereby agree as follows:

1. Recitals. The recitals set forth above are true and correct and are incorporated into, and made a part of, this First Amendment.

2. Amendment. This First Amendment shall be incorporated into the Agreement and thereby become a part thereof by this reference.

3. Agreement Remains in Full Force and Effect. Except as modified by the provisions herein below, the Agreement shall remain in full force and effect. The Agreement

and any modifications thereto as provided in this First Amendment shall be hereinafter collectively referred to as the "Agreement."

4. Effective Date. The effective date of this First Amendment shall be the latest date on which either party signs this First Amendment.

5. Modifications to May 23, 2012 Work Order. In order to reflect the correct number of lights for which the MAINTAINING AGENCY is responsible, the May 23, 2012 work order submitted in accordance with paragraph 2b of the Agreement shall be amended to change the total number of lights from One Hundred Eighty-Five (185) lights to Sixty-Eight (68) lights.

6. Modifications to Paragraph 2, Compensation and Payment. In order to reflect the correct compensation to be paid to the MAINTAINING AGENCY based on the actual number of lights to be maintained, paragraph 2a of the Agreement shall be amended to read:

2. Compensation and Payment

a. FDOT agrees to pay to the MAINTAINING AGENCY a lump sum of $12,336.70 for the fiscal year in which this Agreement is signed (fiscal year as referenced in this Agreement shall be FDOT's fiscal year). Payments will be made in accordance with Exhibit B.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment effective the day and year first written..

MAINTAINING AGENCY

By: _____
Vincent S. Long
County Administrator

Date Signed: _____

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: _____
Tim Smith
District Utilities Engineer

ATTEST:

Bob Inzer, Clerk of the Court
Leon County, Florida

BY: _____

Leon County Attorney's Office

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

Date Signed: _____

F93-00016

FDOT Legal Review BY: _____

(Typed Name) _____

F93-00016

Leon County
Board of County Commissioners

Notes for Agenda Item #10

Leon County
Board of County Commissioners

Cover Sheet for Agenda #10

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Request to Schedule a Public Hearing to Adopt a Resolution Imposing Special Improvement Liens, and Adoption of a Non-Ad Valorem Assessment Roll for Brushy Creek Road Stormwater Control and Drainage Improvement Project on Tuesday, May 14, 2013 at 6:00 p.m.

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E, Director of Public Works & Community Development Katherine Burke, P.E. Director of Engineering Services Tom Brantley, P.E., Director of Facilities Management
Lead Staff/ Project Team:	Jim Pilcher, PSM, Chief of Right-of-Way and Survey Graham Stewart, Real Estate Manager Mitzi McGhin, Real Estate Specialist

Fiscal Impact:
This item has a fiscal impact. The County advanced funding for the construction of the Brushy Creek Road Stormwater Control and Drainage Improvement Project (the "Project") with the understanding that 80% of the total project costs, plus interest, would be reimbursed by the affected property owners through special improvement liens, and the County will contribute the remaining 20% of the costs. The County has expended $120,442 in completing the project of which $96,353 (80%) will be assessed to the benefited properties to be repaid, based upon an eight-year amortization schedule at 2.45% interest.

Staff Recommendation:
Option #1: Schedule a public hearing to consider adoption of a Resolution imposing special improvement liens, and adoption of a Non-Ad Valorem Assessment Roll (Attachment #1) for the Brushy Creek Road Stormwater Control and Drainage Improvement Project for Tuesday, May 14, 2013 at 6:00 p.m.

Report and Discussion

Background:

On January 29, 2009, the Board held a Workshop to address the need for transportation and/or stormwater projects to mitigate or alleviate community impacts during and after major storm events. In that Workshop, the Board directed staff to enact a new program to aid areas that are impacted by flooding during major storms. The new program was to be similar to the County's on-going 2/3 Program, but would only address stormwater control and drainage improvements and the County would contribute 20% of the project costs, subject to the availability of funds.

At its April 13, 2010 regular meeting, the Board accepted the petition initiating the Project from the benefited owners in Augustine Hills Subdivision, Units I and II and the Board directed staff to begin right-of-way and easement acquisition. At the April 12, 2011 meeting, the Board accepted the perpetual access and drainage easements for the Project. The first public hearing was held on May 24, 2011, and a Resolution authorizing the Special Improvements for the Project was adopted. At a public hearing held on November 13, 2012, the Board adopted a Resolution of Intent to use the Uniform Method of Levy, Collection, and Enforcement for collection of the upcoming liens.

Analysis:

The Project is located in Section 16, Township 1 South, Range 2 East, Leon County, Florida lying on the west side of Louvenia Road, approximately 1.7 miles south of Highway 27 South and approximately 5.3 miles east of Capitol Circle S.E. (Attachment #2).

Improvements consisted of replacing the decayed drainage structure under Brushy Creek Road that failed during a storm event denying access to homes and properties, armoring the roadbed and shoulders, and stabilizing the roadside ditches.

In accordance with Section 18-128 of the Code of Laws of Leon County, the Board must prepare a special assessment roll used to impose the special improvement liens. A preliminary assessment roll has been prepared for review based upon $96,353 (80% of $120,441.62) being divided evenly among 22 benefited properties or parcels, which results in a $4,380 per parcel assessment. The original estimate supplied to the owners for their participation in the Project was $96,670 (80% of $120,838) or $4,394 per parcel.

The Stormwater Control and Drainage Improvements Ordinance (Leon County Ordinance 09-07) is defined under Chapter 18, Article IV, Division 2, of the Code of Laws of Leon County. It allows for construction of special improvements relating to stormwater runoff and drainage to benefit private properties and to have the cost of the improvements financed and assessed through property liens. The Ordinance requires two public hearings. The first hearing authorizes the construction of the special improvements, and the second and final hearing authorizes imposition of the liens against the properties. In preparation for the final public hearing, the Ordinance requires that the Board prepare a Special Improvement Assessment Roll, publish notice in a local newspaper that the Roll is open for public inspection and the date and time of the public hearing, and send a copy of the notice to the affected owners by certified mail. The notice must be published and mailed at least 20 days prior to the date of the public hearing.

Section 197.3632(4), Florida Statues, requires that when the non-ad valorem assessment is levied for the first time a public hearing be held between January 1 and September 15 to receive comments from affected owners on adopting the non-ad valorem assessment roll. The public hearing must be noticed at least 20 days prior to the public hearing by publication in local newspaper and by first class mail to the affected owners. At this public hearing, the Board will consider a Resolution adopting a non-ad valorem assessment roll.

In order to comply with the requirements of Chapter 18, Article IV, Division 2, of the Code of Laws and Section 197.3632, Florida Statutes, staff requests scheduling a public hearing for Tuesday, May 14, 2013 at 6:00 p.m. to consider the resolutions to impose special improvement liens and to adopt a non-ad valorem assessment roll.

Options:

1. Schedule a public hearing to consider adoption of a Resolution imposing special improvement liens, and adoption of a Non-Ad Valorem Assessment Roll for the Brushy Creek Road Stormwater Control and Drainage Improvement Project for Tuesday, May 14, 2013 at 6:00 p.m.

2. Schedule the public hearing to consider adoption of a Resolution imposing special improvement liens, and adoption of a Non-Ad Valorem Assessment Roll for the Brushy Creek Road Stormwater Control and Drainage Improvement Project for an alternate date.

3. Board direction.

Recommendation:

Option #1.

Attachments:
1. Preliminary Assessment Roll
2. Location Map

VSL/TP/TB/GS/MM/JP/la

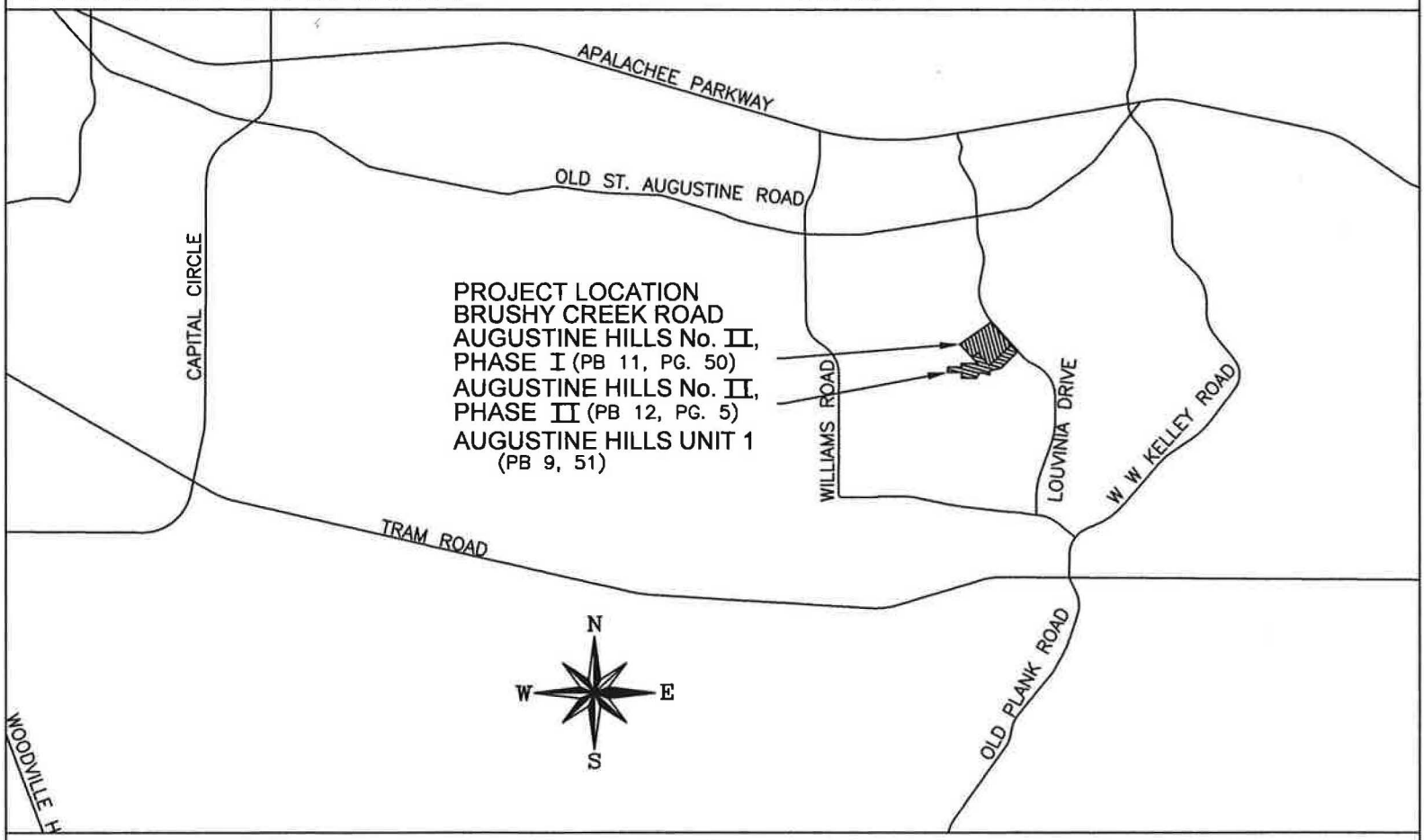
Tax Item Number	PROPERTY DESCRIPTION (Official Record Book and Page)	OWNER	MAILING ADDRESS	ASSESSMENT
32-16-09-A-0050	1869/1039	Susan E. O'Bryan	6240 Brushy Creek Road Tallahassee, FL 32311	$4,379.70
32-16-09-A-0060	1528/0603	Mohammad and Parivash Amirzadeh	3488 Velda Dairy Drive Tallahassee, FL 32309	$4,379.70
32-16-09-A-0070	1378/2037	Michael L. and Mary Cotton Linzy	6228 Brushy Creek Road Tallahassee, FL 32311	$4,379.70
32-16-09-A-0080	2888/1283	Reynolds A. Bond	6204 Brushy Creek Road Tallahassee, FL 32311	$4,379.70
32-16-09-A-0090	2620/1226	Fedrick D. and Lisa D. Williams	6194 Brushy Creek Road Tallahassee, FL 32311	$4,379.70
32-16-09-C-0050	Florida Statute 119.071 (4)(d)	Owner	6253 Brushy Creek Road Tallahassee, FL 32311	$4,379.70
32-16-09-C-0140	2760/1884	Liang-Tsair and Yu-Feng Lin	113 Dawn Lauren Lane Tallahassee, FL 32301	$4,379.70
32-16-09-C-0150	4286/1269 4369/296	Glenda Faye Wells	135 Palm Avenue Auburndale, FL 33823	$4,379.70
32-16-09-C-0160	2069/2031	Johnnie Vic and Kathie Jean Camechis	1204 B. Carrin Drive Tallahassee, FL 32311	$4,379.70
32-16-09-C-0250	4359/2304 2016/0244	Robert J. and Alecia W. Shally	4742 Sweetwater Lane Tallahassee, FL 32311	$4,379.70
32-16-29-A-0100	4286/1269 3160/0516	Christine M. Garrison	3765 Chaires Cross Road Tallahassee, FL 32317	$4,379.70
32-16-29-A-0110	1859/1755	Marsha G. Roaden	8980 S. Hollybrook Boulevard, Apt. 110 Pembroke Pines, FL 33025	$4,379.70
32-16-29-A-0120	1859/1755	Marsha G. Roaden	8980 S. Hollybrook Boulevard, Apt. 110 Pembroke Pines, FL 33025	$4,379.70
32-16-29-A-0130	1858/1450	Kathleen L. Hewitt	4736 Sweetwater Lane Tallahassee, FL 32311	$4,379.70
32-16-29-C-0170	4240/883 1792/1726	Troy Alan Brewer	4773 Sweetwater Lane Tallahassee, FL 32311	$4,379.70

Tax Item Number	PROPERTY DESCRIPTION (Official Record Book and Page)	OWNER	MAILING ADDRESS	ASSESSMENT
32-16-29-C-0180	2847/2064	Brenda J. Moody, aka Brenda J. Pantango	P.O. Box 13963 Tallahassee, FL 32317	$4,379.70
32-16-29-C-0190	2025/1665	James W. and Dawn Ries Coste	4785 Sweetwater Lane Tallahassee, FL 32311	$4,379.70
32-16-29-C-0200	1987/2279	Carl H. and Donna F. Cavanaugh, Jr.	9153 Yashuntafun Road Tallahassee, FL 32311	$4,379.70
32-16-29-C-0210	3272/2055	Donna K. Pottle	4808 Sweetwater Lane Tallahassee, FL 32311	$4,379.70
32-16-29-C-0220	1861/1838	Richard A. and Julia M. Webb	4802 Sweetwater Lane Tallahassee, FL 32311	$4,379.70
32-16-29-C-0230	1953/0760	Timothy R. and Tina A. Seager	4774 Sweetwater Lane Tallahassee, FL 32311	$4,379.70
32-16-29-C-0240	4477/036 4056/2243	Manuel Souza Weiss	4760 Sweetwater Lane Tallahassee, FL 32311	$4,379.70

BRUSHY CREEK ROAD
PROJECT LOCATION

SITE MAP

SCALE 1" = 2500'



LOCATION MAP

SCALE 1" =7500'

Posted at 5:00 p.m. on April 1, 2013

Leon County
Board of County Commissioners

Notes for Agenda Item #11

Leon County
Board of County Commissioners

Cover Sheet for Agenda #11

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Request to Schedule a Public Hearing to Adopt a Resolution Imposing Special Improvement Liens, and Adoption of a Non-Ad Valorem Assessment Roll for Terre Bonne Subdivision Street Improvement Project for Tuesday, May 14, 2013 at 6:00 p.m.

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E, Director, Public Works and Community Development Katherine Burke, P.E. Director of Engineering Services Tom Brantley, P.E., Director of Facilities Management
Lead Staff/ Project Team:	Jim Pilcher, PSM, Chief of Right-of-Way and Survey Graham Stewart, Real Estate Manager Mitzi McGhin, Real Estate Specialist

Fiscal Impact:

This item has a fiscal impact. The County advanced funding for the construction of the Terre Bonne Subdivision Street Improvement Project (Project) with the understanding that total project costs, plus interest, would be reimbursed by the affected property owners through special improvement liens. The County has expended $160,000 in completing the project, which will be assessed to the affected properties to be repaid based upon a 15-year amortization schedule at 2.45% interest.

Staff Recommendation:

Option #1: Schedule a public hearing to consider adoption of a Resolution Imposing Special Improvement Liens, and adoption of a Non-Ad Valorem Assessment Roll (Attachment #1) for the Terre Bonne Subdivision Street Improvement Project for Tuesday, May 14, 2013 at 6:00 p.m.

Report and Discussion

Background:

At its August 17, 2010 regular meeting, the Board accepted the petition initiating the Terre Bonne Subdivision Street Improvement Project (Project) from the property owners in Terre Bonne Subdivision and the Board directed staff to begin right-of-way and easement acquisition. At the February 8, 2011 meeting, the Board accepted the deed for right-of-way for the Project from the Terre Bonne Property Owners Association. The first public hearing was held on March 15, 2011 and a resolution authorizing the special improvements for the Project was adopted. At a public hearing held on November 13, 2012, the Board adopted a Resolution of Intent to Use the Uniform Method of Levy, Collection, and Enforcement for collection of the upcoming liens.

Analysis:

The Project is located in Section 12, Township 1 North, Range 1 West, Leon County, Florida lying on the north side of Lakeshore Drive approximately two-thirds of a mile west of Meridian Road (Attachment #2). The streets involved are Rue De Lafitte, LeMoyne, and Claiborne Court. Improvements consisted of street resurfacing and drainage system improvements.

In accordance with Section 16-30 of the Code of Laws of Leon County, the Board must prepare a special assessment roll used to impose the special improvement liens. A preliminary assessment roll has been prepared for review, based upon $160,000 being divided evenly among 39 benefited properties or parcels, which results in a $4,103 per parcel assessment. After the County received bids for construction, in a letter dated March 14, 2012, the owners were supplied with a $160,000 estimate or $4,103 per parcel. Typically, the collection period is eight years; however, due to the anticipated cost of the project, the owners have requested a 15-year period.

The Street Improvement Ordinance (Leon County Ordinance 82-45) is defined under Chapter 16, Article II, of the Code of Laws of Leon County. It allows for construction of special improvements to streets to benefit private properties and to have the cost of the improvements financed and assessed through property liens. The Ordinance requires two public hearings. The first hearing authorizes the construction of the special improvements, and the second and final hearing authorizes imposition of the liens against the properties. In preparation for the final public hearing, the Ordinance requires that the Board prepare a Special Improvement Assessment Roll and publish notice in a local newspaper that the Roll is open for public inspection, and the date and time of the public hearing. The notice must be published at least 10 days prior to the date of the public hearing. Additionally, staff mails a copy of the notice to the affected owners.

Section 197.3632(4), Florida Statues, requires that when the non-ad valorem assessment is levied for the first time, a public hearing be held between January 1 and September 15 to receive comments from affected owners on adopting the non-ad valorem assessment roll. The public hearing must be noticed at least 20 days prior to the public hearing by publication in local newspaper and by first class mail to the affected owners. At this public hearing, the Board will consider a Resolution adopting a non-ad valorem assessment roll.

In order to comply with the requirements of Chapter 16, Article II, of the Code of Laws and Section 197.3632, Florida Statutes, staff requests scheduling a public hearing for Tuesday, May 14, 2013 at 6:00 p.m. to consider the resolutions to impose special improvement liens and to adopt a non-ad valorem assessment roll.

Options:

1. Schedule a public hearing to consider adoption of a Resolution Imposing Special Improvement Liens, and adoption of a Non-Ad Valorem Assessment Roll for the Terre Bonne Subdivision Street Improvement Project for Tuesday, May 14, 2013 at 6:00 p.m.
2. Schedule a public hearing to consider adoption of a Resolution Imposing Special Improvement Liens, and adoption of a Non-Ad Valorem Assessment Roll for the Terre Bonne Subdivision Street Improvement Project for an alternate date.
3. Board direction.

Recommendation:
Option #1.

Attachments:
1. Preliminary Assessment Roll
2. Location Map

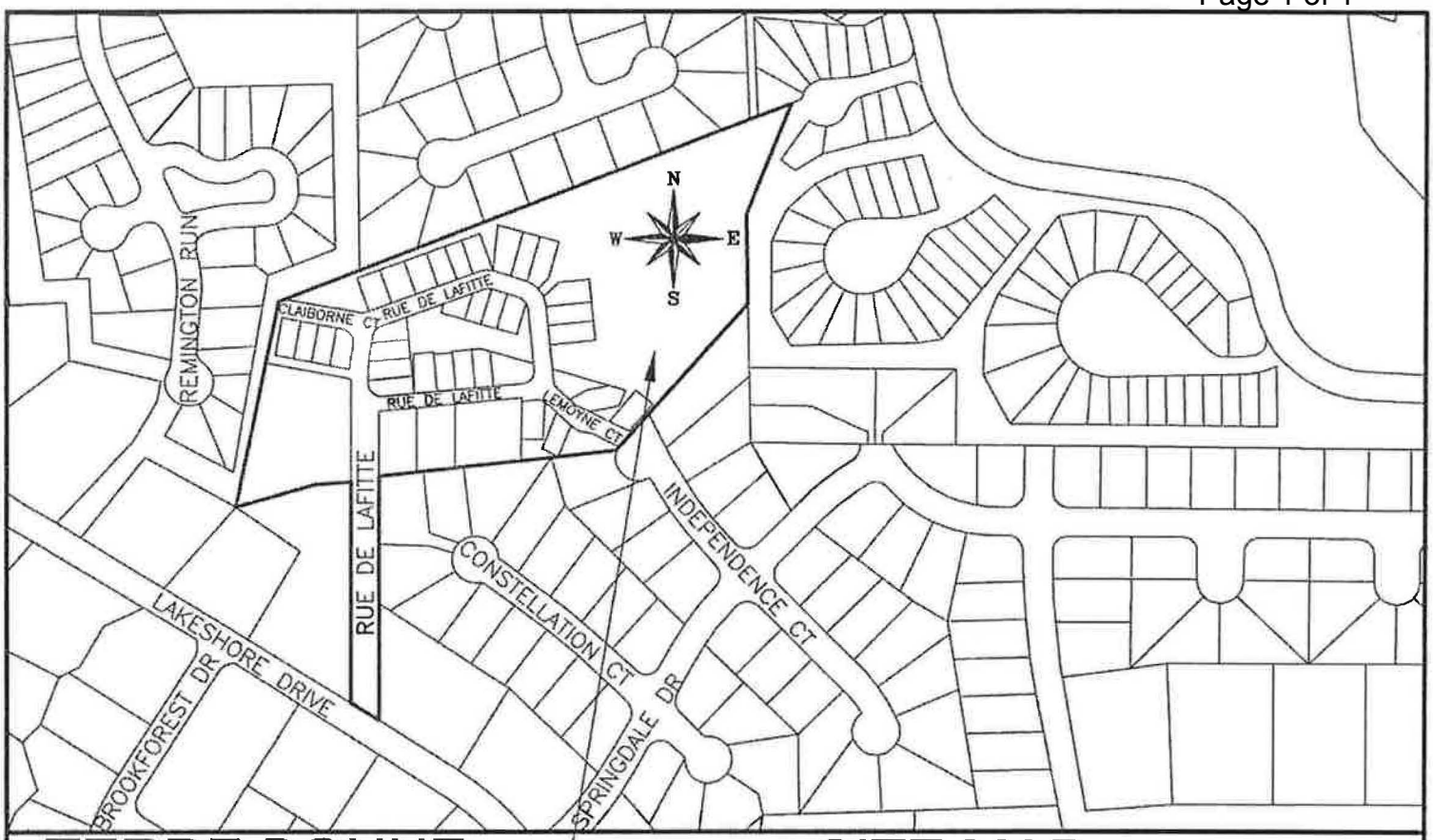
VSL/TP/TB/GS/MM/JP/la

F:\JIMP\Section 16-26 Street\Terra Bonne\Agenda\Terre Bonne Request Final PH.doc

Tax Item Number	PROPERTY DESCRIPTION (Official Record Book/Page)	OWNER	MAILING ADDRESS	ASSESSMENT
21-12-12-000-0010	4282/1921 1341/1066	Janie E. Sandy	3301 Claiborne Court Tallahassee, FL 32312	$4,102.56
21-12-12-000-0020	1660/1004	Ira and Judith F. Chester	3305 Claiborne Court Tallahassee, FL 32312	$4,102.56
21-12-12-000-0030	4297/747 2677/2296	Elizabeth T. Davies and Anne G. Van Meter	251 Levy Bay Road Panacea, FL 32346	$4,102.56
21-12-12-000-0040	2887/1333	Janis Tiff McClellan Trust	3313-C Claiborne Court Tallahassee, FL 32312	$4,102.56
21-12-12-000-0050	3963/1780	Theo and Mirella Siegrist	3284 Rue De Lafitte Tallahassee, FL 32312	$4,102.56
21-12-12-000-0060	1411/2039	Linda Sue Weeks	8800 Bixler Trail Tallahassee, FL 32312	$4,102.56
21-12-12-000-0070	2346/1843	Martha W. Barnett Trust and Richard R. Barnett Trust	1901 Miller Landing Road Tallahassee, FL 32312	$4,102.56
21-12-12-000-0080	1933/1122	Phillip A. and Jacqueline M. Werndli	3272 Rue De Lafitte Tallahassee, FL 32312	$4,102.56
21-12-12-000-0090	1460/0722	Lynn Hollis Curtright	3268 Rue De Lafitte Tallahassee, FL 32312	$4,102.56
21-12-12-000-0100	3888/49 4386/421	Madeline B. Shepard Trust	3264 Rue De Lafitte Tallahassee, FL 32312	$4,102.56
21-12-12-000-0110	2661/1928	Pauline F. Hunter	3260 Rue De Lafitte Tallahassee, FL 32312	$4,102.56
21-12-12-000-0120	3506/1546 1191/446	Carol Ann Conner	34 Douglass Street, Apt. #3 Brooklyn, NY 11231-4730	$4,102.56
21-12-12-000-0130	4271/2164 1827/1552	Louis B. and Heidi F. Wauthier	3252 Rue De Lafitte Tallahassee, FL 32312	$4,102.56
21-12-12-000-0140	1811/445	Jane J. Robinson	3248 Rue De Lafitte Tallahassee, FL 32312	$4,102.56
21-12-12-000-0150	1428/533	Phillip R. and Lois M. Fordyce	3244 Rue De Lafitte Tallahassee, FL 32312	$4,102.56

Tax Item Number	PROPERTY DESCRIPTION (Official Record Book/Page)	OWNER	MAILING ADDRESS	ASSESSMENT
21-12-12-000-0160	3089/481	Lisa M. Gregg	3240 Rue De Lafitte Tallahassee, FL 32312	$4,102.56
21-12-12-000-0170	4147/171	Kate A. Brady	3306 LeMoyne Court Tallahassee, FL 32312	$4,102.56
21-12-12-000-0180	3532/315	Carolyn Thompkins	3304 LeMoyne Court Tallahassee, FL 32312	$4,102.56
21-12-12-000-0190	2124/883	Arthur R. and Carolyn W. Fixel	318 East King Street Quincy, FL 32351	$4,102.56
21-12-12-000-0200	4103/2107	Thomas H. Oberman	3309 LeMoyne Court Tallahassee, FL 32312	$4,102.56
21-12-12-000-0210	4135/1031	Tawanna M. Hay	3305 LeMoyne Court Tallahassee, FL 32312	$4,102.56
21-12-12-000-0220	2000/2350	Arthur R. and Carolyn W. Fixel	P. O. Box 534 Quincy, FL 32353	$4,102.56
21-12-12-000-0230	4232/1740 2883/1161	Grazyna K. Bergman	3235 Rue De Lafitte Tallahassee, FL 32312	$4,102.56
21-12-12-000-0240	1383/1460	Sarah Dianne Gregory	3231 Rue De Lafitte Tallahassee, FL 32312	$4,102.56
21-12-12-000-0250	1655/4	Lois A. Gentry c/o Richard C. Dowdy	2308 Tour Eiffel Drive Tallahassee, FL 32308	$4,102.56
21-12-12-000-0260	2423/75	Lila K. T. Eubanks	3223 Rue De Lafitte Tallahassee, FL 32312	$4,102.56
21-12-12-000-0270	3636/1612	Charles A. Fish	P.O. Box 12303 Tallahassee, FL 32317	$4,102.56
21-12-12-000-0280	3656/1051	Lisa L. Dale	346 Skate Drive Tallahassee, FL 32312	$4,102.56
21-12-12-000-0290	3528/379	Linda R. Mahler	1108 Sandhurst Drive Tallahassee, FL 32312	$4,102.56
21-12-12-000-0300	3196/1869	Shelton Dennis and Shirley Ross Baker	3202 Remington Run Tallahassee, FL 32312	$4,102.56

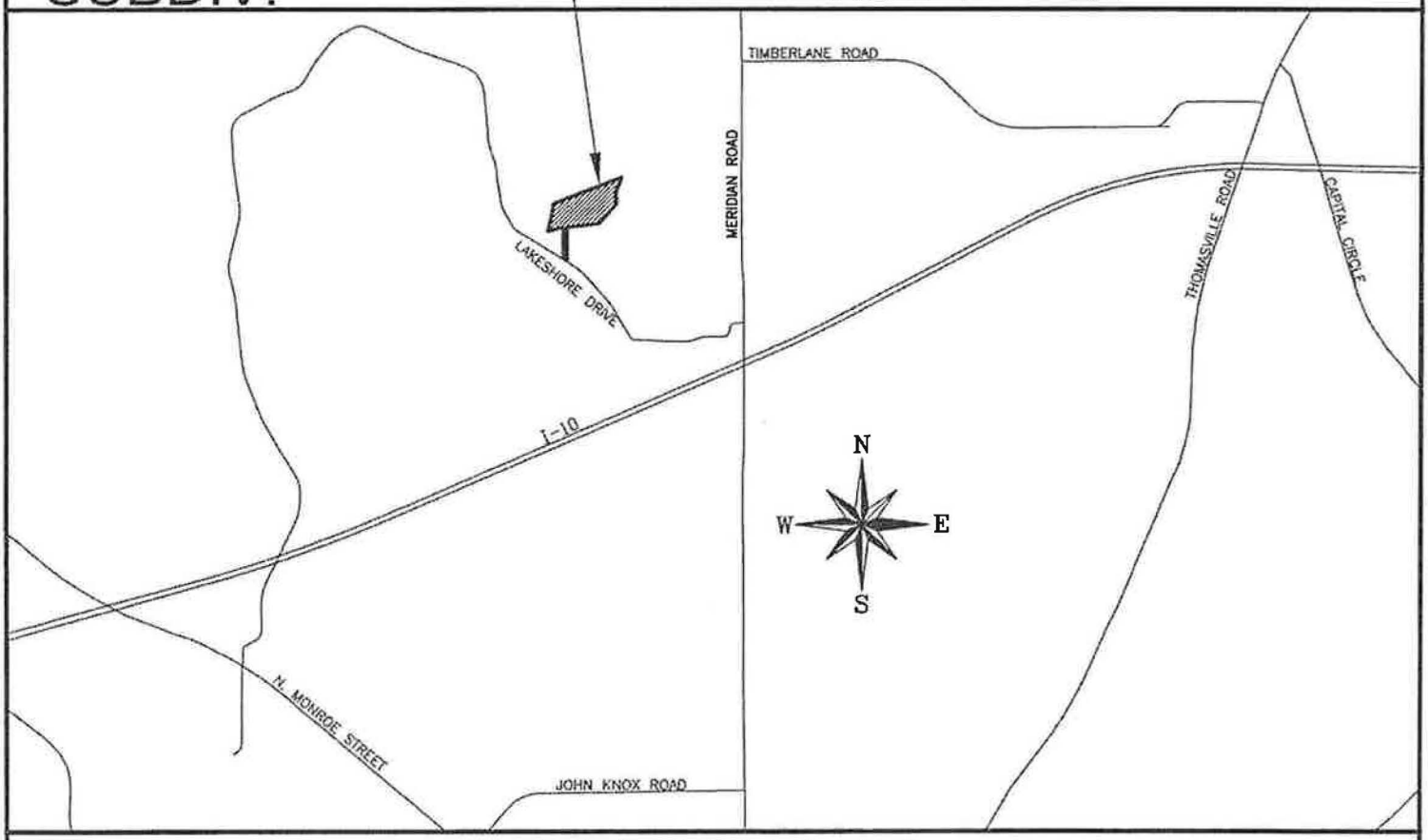
Tax Item Number	PROPERTY DESCRIPTION (Official Record Book/Page)	OWNER	MAILING ADDRESS	ASSESSMENT
21-12-12-000-0310	2084/344	Taylor's Building Supply, Inc.	P. O. Box 605 East Point, FL 32328	$4,102.56
21-12-12-000-0320	2135/1382	Keith G. and Renate I. Baker	10777 Wadesboro Road Tallahassee, FL 32317	$4,102.56
21-12-12-000-0330	2605/703	Paula Leigh and Bess H. Tyler	3263 Rue De Lafitte Tallahassee, FL 32312	$4,102.56
21-12-12-000-0340	1962/2227	Iragene H. Gregory	3261 Rue De Lafitte Tallahassee, FL 32312	$4,102.56
21-12-12-000-0350	2124/883	Arthur R. and Carolyn W. Fixel	318 East King Street Quincy, FL 32351	$4,102.56
21-12-20-004-0000	1709/1993	William R. and Robin F. Robinson	3222-B Lakeshore Drive Tallahassee, FL 32312	$4,102.56
21-12-20-421-0000	3639/382	Dwayne Russell Snyder	3222 Rue De Lafitte Tallahassee, FL 32312	$4,102.56
21-12-20-423-0000	2338/388	Patricia Ann Jones Trust	3214 Rue De Lafitte Tallahassee, FL 32312	$4,102.56
21-12-20-427-0000	2874/2052	Margaret C. Lawson	3218 Rue De Lafitte Tallahassee, FL 32312	$4,102.56



TERRE BONNE SUBDIV.

SITE MAP

SCALE 1" = 300'



LOCATION MAP

SCALE 1" = 3000'

Leon County
Board of County Commissioners

Notes for Agenda Item #12

Leon County
Board of County Commissioners

Cover Sheet for Agenda #12

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Adoption of a Resolution Supporting Little League as the Baseball/Softball Sports Provider for Leon County

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Director of Public Works and Community Development
Lead Staff/ Project Team:	Leigh Davis, Director of Parks and Recreation

Fiscal Impact:

This item has no fiscal impact. .

Staff Recommendation:

Option #1: Adopt the Resolution supporting Little League as the baseball/softball sports provider for Leon County (Attachment #1).

Report and Discussion

Background:

At the February 26, 2013 Board meeting, at the request of Commissioner Dailey, the Board directed staff to prepare a resolution of support for Little League as the baseball/softball sports provider for Leon County (Attachment #1). According to Policy No. 12-5, "Proclamations and Resolutions – Ceremonial Recognition Policy," adopted by the Board on December 11, 2012, Resolutions are a formal expression of opinion, intention, or support declared by the Board by a majority vote after consideration of the matter as presented by County staff in an agenda request.

Analysis:

Little League has been Leon County's sports provider for baseball and softball programs since the infancy of the County's Parks and Recreation active programs. In January 2012, that relationship was formalized with the execution of the License Agreement with Little League District 20.

Little League International - District 20 offers recreational opportunities through its baseball and softball activities. Five programs exist under the District 20 structure to serve the various geographical areas of Leon County. Numerous volunteers spend countless hours ensuring that the Little League Programs at Chaires, Ft. Braden, Miccosukee, Northwest (a.k.a. Canopy Oaks), and Woodville are strong and vibrant programs. In the past eight years, alone, nearly 10,000 kids have been able to participate in, and benefit from, the baseball experience through this strong Leon County/Little League partnership.

The Resolution reflects the County's continued support for the strong community partnership found with Little League International.

Options:

1. Adopt the Resolution supporting Little League as the baseball/softball sports provider for Leon County.
2. Do not adopt the Resolution supporting Little League as the baseball/softball sports provider for Leon County
3. Board direction.

Recommendation:
Option #1.

Attachment:
1.Resolution

Resolution No. _____

WHEREAS, it is a strategic priority of the Leon County Board of County Commissioners to be a provider of essential services in our continuous efforts to make Leon County a place where people are healthy, safe, and connected to their community; and

WHEREAS, it is Leon County Parks and Recreation's goal to provide for the safety, comfort, and convenience of the public by creating and maintaining infrastructure and programs that support recreation, parks and open space; and

WHEREAS, providing opportunities for building self esteem and teaching teamwork along with other general life skills is of critical importance for the children of Leon County; and

WHEREAS, Little League International - District 20 offers such opportunities through its baseball and softball activities; and

WHEREAS, five programs exist under the District 20 structure to serve the various geographical areas of Leon County; and

WHEREAS, numerous volunteers are spending countless hours ensuring that the Little League Programs at Chaires, Ft. Braden, Miccosukee, Northwest (a.k.a. Canopy Oaks), and Woodville are strong and vibrant programs; and

WHEREAS, in the last eight years, alone, nearly 10,000 children have benefited from the Leon County/Little League partnership; and

WHEREAS, the County and Little League formalized that partnership through the License Agreement executed in 2012 that extends through 2017; and

WHEREAS, it is the desire of the Leon County Board of County Commissioners to continue its partnership with, and support of, the Little League program;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that

LITTLE LEAGUE – DISTRICT 20
AND THE FIVE CORRESPONDING PARK PROGRAMS

be commended and recognized for a job well done and the service being provided to Leon County youth, and hereby offer its continued support for the strong community partnership found with Little League International.

DATED this _____day of April 2013.

LEON COUNTY, FLORIDA

By:_____
Nicholas Maddox, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court
Leon County, Florida

By:_____

Approved as to Form:
Leon County Attorney's Office

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

Leon County
Board of County Commissioners

Notes for Agenda Item #13

Leon County
Board of County Commissioners

Cover Sheet for Agenda #13

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Acceptance of a Status Report Regarding Boat Ramp Enhancements and Lake Maintenance

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Director of Public Works and Community Development Leigh Davis, Director of Parks and Recreation
Lead Staff/ Project Team:	Josh McSwain, Parks and Community Center Supervisor

Fiscal Impact:

This item has no fiscal impact. General maintenance and improvements are funded by the Parks operating budget, the Florida Boating Improvement Fund, and the Parks maintenance CIP.

Staff Recommendation:

Option #1: Accept the status report regarding boat ramp enhancements and lake maintenance.

Report and Discussion

Background:

In late September 2011, Public Works and Parks and Recreation staff, along with Commissioner Proctor, conducted site visits at several of the Leon County boat landing facilities. Based on the evaluation of those visits and due to the continuing low water conditions, staff accelerated maintenance activities at all of the boat landings.

In March of 2012, staff distributed a memo to the Board regarding the boat ramp maintenance that had occurred over the previous six-month period. At the July 10, 2012 Board meeting, a status report was presented to the Board providing further information on activities that were occurring to capitalize on low water levels (Attachment #1).

At the February 26, 2013 Board meeting, the Board directed staff to update that status report.

Analysis:
Low water levels provide an opportunity for a myriad of activities that are more difficult, if not impossible, during normal flows and water depths. These activities include ramp construction or rehabilitation, the redistribution of rock base at the end of ramps, removal of invasive exotics, shoreline/lake bottom clean-ups, dirt ramp re-grading (further down to the existing water's edge), and muck removal.

The tables in Attachment #1, found on pages 2, 4, and 5, capture the work that was accomplished between December 2011 and July 2012. The following table captures actions that have taken place since the July 10, 2012 report.

Landing/Location	Date of Activity	Type of Activity
27 Landing (Lake Jackson)	10/2012	Since October, the landing has been graded at least once a month (on occasion twice a month)
Bull Headley Landing (Lake Iamonia)	3/27/13	Floating dock re-installment scheduled.
Cypress Landing (Lake Miccosukee)	1/29/13	Board adopted a resolution authorizing the conveyance of a temporary access easement to Florida Fish and Wildlife Conservation Commission for the purpose of disposal of muck material from Lake Miccosukee (Agenda Item #15)
Faulk Landing (Lake Jackson)	11/14/12 3/29/13	Dirt ramp re-grading Dirt ramp re-grading
Fuller Landing (Lake Jackson)	3/15/13	Ramp Construction/Rehabilitation Project Complete
Hall Landing (Lake Talquin)	7/31/12	Campground Upgrade Project- resetting and upgrading all campsites to current standards

Iamonia Landing (Lake Iamonia)	11/15/12	Redistribution of rock base
Meginnis Arm Landing (Lake Jackson)	5/14/12 5/8/12	Access Road and Parking Paving Project Invasive exotics removal
Miller Landing (Lake Jackson)	11/14/12 3/29/13	Dirt ramp re-grading Dirt ramp re-grading
Reeves Landing (Lake Miccosukee)	8/22/2012 9/15/12	Modified low end of ramp to facilitate easier access for smaller boats Shoreline clean up – 8 volunteers from Bryan Hall Learning Community, 8 cubic yards of litter/debris removed at Reeves Landing Control Structure.
Rhoden Cove Landing (Lake Jackson)	8/8/12 3/29/13	Barriers installed to curtail illegal lake bottom access Barriers removed

Regarding muck removal, such projects are generally led by and accomplished through the State's Florida Fish and Wildlife Conservation Commission (FWC). Over the last 18 months, FWC has focused its efforts on lakes most affected by the drought. Those are Lakes Iamonia, Jackson, and Miccosukee. On Lake Iamonia, contractors were hired by the state to remove sediment materials along the north shore, between Iamonia Landing and Beadle Road. In addition, prescribed fire has been used to reduce organic materials from the lake bottom.

At the Lake Miccosukee sites, FWC planned a drawdown to conduct tussock and sediment removal. As reflected in the table, the Board assisted in this project by approving a resolution on January 29, 2013, authorizing the conveyance of a temporary access easement in order to efficiently expedite the disposal of muck material from Lake Miccosukee by allowing trucks to haul across the County's Cypress Landing property. The FWC was ready to begin this project; however, the heavy rains in February created a significant rise in water levels at Lake Miccosukee, resulting in the project being postponed. Currently, FWC is uncertain as to when that project could commence. However, the conveyance of the easement approved by the Board was for one year. Staff will continue to assist FWC as they work to make these improvements or others on the surrounding lakes.

Options:

1. Accept the status report regarding boat ramp enhancements and lake maintenance.
2. Do not accept the status report regarding boat ramp enhancements and lake maintenance.
3. Board direction.

Recommendation:
Option #1.

Attachment:
1. Agenda Item #16 – July 10, 2012

VSL/TP/LD/ld

Leon County
Board of County Commissioners

Cover Sheet for Agenda #16

July 10, 2012

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Acceptance of a Status Report Regarding Lake Maintenance and Enhancements

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Director of Public Works and Community Development Leigh Davis, Director of Parks and Recreation
Lead Staff/ Project Team:	Josh McSwain, Parks and Community Center Supervisor

Fiscal Impact:

This item has no fiscal impact. General maintenance and improvements are funded by the Parks operating budget, the Florida Boating Improvement Fund, and the Parks maintenance CIP.

Staff Recommendation:

Option #1: Accept the status report regarding lake maintenance and enhancements.

Report and Discussion

Background:
On March 7, 2012, staff distributed a memo to the Board regarding boat ramp maintenance that had been occurring since December 2011 (Attachment #1). Together with regularly scheduled maintenance, staff has been taking advantage of the lower lake levels in the area to accomplish tasks only possible during these unique conditions.

At its May 8, 2012 meeting, the Board directed staff to bring back an agenda item to address the low water levels and dry lakes, and to consider how to enhance the lakes while the water levels are down, how to strengthen the lakes, and maintenance of lakes.

Analysis:
Since the March 7, 2012 memo, these additional maintenance activities have occurred.

Landing/Location	Date of Activity	Type of Activity
27 Landing (Lake Jackson)	4/3/2012	Dirt ramp regrading
Coe Landing	5/14/12	Access Road and Parking Paving Project
Fuller Landing (Lake Jackson)	6/11/12 7/2/12	Construction permit granted by DEP, Army Corps of Engineers, NWFWM District Bid Document to be advertised
Gil Waters Preserve (Lake Munson)	5/25/12	Comfort Station Update, Nature Trail Installation
Hall Landing (Lake Talquin)	5/14/12 6/2/12 4/2/12	Access Road and Parking Paving Project Volunteer Day with Tri-Eagle Sales- 4200 Pounds of trash removed from Lake Talquin Shores by over 80 Volunteers. Campground Upgrade Project- resetting and upgrading all campsites to current standards- Completion Date-7/31/12
Iamonia Landing (Lake Iamonia)	3/24/12 5/9/12	Lake Bottom Cleanup with FWC, FSU, and Volunteer Leon- 2,400 pounds of litter removed form the dry lakebed. FWC Muck Removal Project along North Shore to Beadle Road
Meginnis Arm Landing (Lake Jackson)	5/14/12	Access Road and Parking Paving Project
Miller Landing (Lake Jackson)	4/3/12	Dirt ramp regrading
Cypress Landing (Lake Miccosukee)	6/21/12 6/21/12	Coordination with FWC to repair boat ramp during pending drawdown of Lake Miccosukee Pending drawdown of Lake Miccosukee, FWC with be removing muck material, treating invasive plants and improving fish habitat
Tower Road Landing (Ochlocknee River)	3/24/12	Lakeshore Cleanup with Volunteer Leon- 700 pounds of litter removed along the Ochlocknee River
Williams Landing	5/14/12	Access Road and Parking Paving Project

In addition, staff has contacted the Florida Fish and Wildlife Conservation Commission (FWC) to determine its efforts during this time. This is the primary agency for boating access and fishing habitat restoration. Information received from FWC is provided as Attachment #2.

In summary, FWC is focusing its efforts on lakes most affected by the drought: Iamonia, Jackson, and Miccosukee. On Lake Iamonia, contractors hired by the state are removing sediment materials along the north shore, between Iamonia Landing and Beadle Road. Additionally, FWC is pursuing opportunities in the Bull Headley Landing area for a similar project, and are seeking areas for sediment disposal. These efforts are combined with the use of prescribed fire, to reduce organic materials from the lake bottom. Some burn activity has been completed on Lake Iamonia and plans are being developed for Lake Miccosukee.

At the Lake Miccosukee sites, FWC is attempting a drawdown to conduct tussock and sediment removal. Similar efforts of sediment removal and reduction of organic material will be done if weather conditions afford the opportunity. Similar efforts are to be expected at Lake Jackson, pending the continuation of the drought conditions and the recent sinkhole activity.

Options:

1. Accept the status report regarding lake maintenance and enhancements
2. Do not accept the status report regarding lake maintenance and enhancements
3. Board direction.

Recommendation:
Option #1.

Attachments:

1. Leon County Parks Memo –March 7, 2012
2. Email – Michael Hill Fisheries Biologist FWC

VSL/TP/LD/jm

Attachment #1

BOARD OF COUNTYCOMMISSIONERS
MEMORANDUM

DATE: March 7, 2012

TO: Board of County Commissioners

THRU: Vincent S. Long, County Administrator
Tony Park, P. E., Director of Public Works and Community

FROM: Leigh Davis, Interim Director of Parks and Recreation

SUBJECT: Maintenance Activities at Boat Landings

In late September, 2011, Public Works and Parks and Recreation staff, along with Commissioner Proctor, conducted site visits at several of the Leon County boat landing facilities. Based on evaluation of those visits and due to the low water conditions, staff accelerated maintenance activities at all of the boat landings.

At the January 24, 2012, Board meeting Commissioner Proctor asked for a report to be provided regarding improvements that have been or could be made to boat landing facilities. Below is a table of activities summarizing the work that has been completed over the last four months.

Landing/Location	Date of Activity	Type of Activity
27 Landing (Lake Jackson)	12/15/11	Dirt ramp regrading
Bull Headley (Lake Iamonia)	1/25/12 2/20/12	Redistribution of rock at base of ramp Ramp repair/extension and ADA sidewalk
Cedar Hill Landing (Carr Lake)	12/14/11 12/14/11 03/01/12 03/19/12	Granite material added to lake side of ramp (32 cubic yards) Maintenance at base of ramp Redecking of boat dock ADA access sidewalk – scheduled for construction
Crowder Landing (Lake Jackson)	12/02/11 01/18/12 02/13/12	Redistribution of rock at base of ramp Redistribution of rock at base of ramp Boat ramp extension installed
Faulk Landing		
Fuller Landing (Lake Jackson)	02/01/12	Construction permit submitted to DEP
Hall Landing (Lake Talquin)	03/15/12	Dock redecking
Iamonia Landing (Lake Iamonia)	12/04/11 12/12/11 12/22/11	Redistribution of rock at base of ramp Redistribution of rock at base of ramp Repair of ramp cracking/undermining

March 7, 2012
Re: Maintenance Activities of Boat Landings
Page 2

Meginnis Arm Landing (Lake Jackson)	12/05/11	Invasive exotic removal for improved lake access
Miller Landing (Lake Jackson)	12/13/11	Dirt ramp regrading
Cypress Landing (Lake Miccosukee)	12/08/11 12/22/11 12/22/11	Redistribution of rock at base of ramp Redistribution of rock at base of ramp Repair of ramp cracking/undermining
Rhoden Cove Landing (Lake Jackson)	12/01/11 01/11/12 02/20/12	Redistribution of rock at base of ramp Redistribution of rock at base of ramp Boat ramp extension installed
Sunset Landing (Lake Jackson)	12/01/11 12/16/11 12/22/11 01/11/12	Redistribution of rock at base of ramp Redesigned/reset parking area to better accommodate users Invasive exotic removal along shoreline per DEP Redistribution of rock at base of ramp
Tower Road Landing (Ochlocknee River)	01/17/12	Sediment removal
Vause Landing (Lake Jackson)	03/08/12	Dock redecking
Wainwright Landing (Lake Jackson)	01/27/12	New dock installation including demolition and access ramp modification

In addition, staff has been in contact with the Fish and Wildlife Commission to discuss potential solutions for preventing vehicle access to the lake bottom at Rhoden Cove Landing.

Staff agrees that with the water levels low, now is the time to significantly complete rehabilitation projects and maintenance activities. We are continuing to evaluate and act on opportunities as they are made available.

Josh McSwain - Fwd: RE: Lake Improvements

From: Leigh Davis
To: McSwain, Josh
Date: 6/4/2012 8:05 PM
Subject: Fwd: RE: Lake Improvements
Attachments: DSC_9495.JPG; DSC_9388.JPG; DSC_9296.JPG; DSC_9302.JPG; DSC_9488.JPG

Here is a cleaner copy without all the e-mails back and forth.

Leigh Davis
Director of Parks & Recreation
Leon County
850/606-1542
fax: 850/606-1501
davisle@leoncountyfl.gov

Please note: Under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure. >>> "Hill, Michael" <michael.hill@MyFWC.com> 5/9/2012 9:48 AM >>>

Good morning, Tony.

A prudent and timely comment by Commissioner Proctor! Yes, it certainly makes sense to work on our lakes during this extremely dry period. And that is what FWC AHRE (Aquatic Habitat Restoration/Enhancement) is going to do.

First, Lake Iamonia is days away from a muck removal project being started. We have hired a contractor, a firm from Lake Butler, for $178,000 to remove muck from the north side of the lake at Beadle Road. We expect to scrape about 23 acres (similar to the Iamonia Landing Road project of 2000) down to the mineralized soils. The material will be placed on the uplands on approved disposal sites on Tall Timbers property. John Kraynak made an early site visit and helped us select the disposal sites. Yes, we have a GEM permit. If all goes well, the project will be completed by July. If I can find a disposal site on the south side of the lake, I could modify permits to work at Bull Headley. Any ideas of a nearby disposal site would be most welcomed. Prior to the muck removal, we did burn some of the bottom to reduce organic volumes. The Tall Timbers crews are masters of the prescribed fire.

Second, Lake Miccosukee is about 4 feet below full pool with two new sinkholes formed. Plans are to further drain this lake (yes, in Jefferson Co.) another 4 feet and conduct muck removal and tussock (floating islands) control operations in the coming year. Should a tropical storm occur this summer, we will close the gates and wait until another drought cycle. If muck disposal needs to be done in Leon County, appropriate GEM permits will be secured. Burning lake bottom and tussocks will also be actively pursued on Lake Miccosukee.

Third, at Strickland Arm on Lake Iamonia, a rusty 8' corrugated pipe was removed to completely connect this portion of the lake to the main waterbody. Both Strickland Arm and Cromartie Arm have long been

determined to be sovereign by DEP State Lands. Now, Strickland Arm water levels can fluctuate naturally like the rest of the lake and the public can enter this part of the lake like they used to. Opening up the Cromartie Arm to restore historic hydrology is trickier, but I'm working on it.

Fourth, at the L. Kirk Edwards stakeholder meeting, we discussed the merits of a joint LC/FWC land owner partnership at Road to the Lake on Lower Lake Lafayette. There is a vacant lot between our mutual properties which is impacting opportunities for a better lake access site. I know our land managers, Morgan Wilber and Richard Noyse, would like to discuss options with you guys. When that property issue is resolved, muck removal could be accomplished here (5-10 acres?) with the muck being deposited across the tracks in the abandoned pits of LC (good idea, yes?)

Fifth, in Alford Arm, tussocks and accumulating muck will continue to be the bane of this system. Although no actual plans are active here, I have always envisioned working on habitat enhancement projects, with material deposited on the abandoned watermelon fields (like we once discussed.) Just floating that one out there!

9495 – Alford Arm; 9388 – Lake Miccosukee burned tussock; 9296 Lake Iamonia Bull Headley (stuck car) 9302 – Lake Iamonia Beadle Road site 9488 – Road to the Lake , Lafayette

Pictures identified above, and LMK if you have any questions. I'd be happy to discuss with you at any time. Regards, and hope this helps. Michael

Michael Hill
FWC Fisheries Biologist
Division of Habitat and Species Conservation
Aquatic Habitat Restoration and Enhancement Sub-Section

1338 Avondale Way
Tallahassee, FL 32317

Cell: 850-**251-8919**
Fax: 850-410-2842

"The gods do not deduct, from man's allotted span.
the hours spent in fishing." Babylonian Proverb

From: Tony Park [mailto:ParkT@leoncountyfl.gov]
Sent: Wednesday, May 09, 2012 8:57 AM
To: Hill, Michael
Cc: Katherine Burke; Leigh Davis; Theresa Heiker
Subject: Lake Improvements

Michael,

Good morning. Last night at the LCBCC meeting Comm. Proctor asked if there was any work that could be done while our lakes are at their low levels to improve water quality. I was out at L. Iamonia last week and it appear there may have been some burning on the lake bottom. Are there any on going activities that FFWCC is doing to any lakes in Leon County ? Please let us know. THANKS.

Tony Park, P.E.
Director of Public Works & Community Development
Leon County
850-606-1537
fax:850-606-1501
parkt@leoncountyfl.gov

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

Leon County
Board of County Commissioners

Notes for Agenda Item #14

Leon County
Board of County Commissioners

Cover Sheet for Agenda #14

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Acceptance of Status Report on the Huntington Oaks "Sense of Place" Initiative

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Director, Public Works and Community Development Wayne Tedder, Director, Planning, Land Management and Community Enhancement (PLACE)
Lead Staff/ Project Team:	Roxanne Manning, Planning Manager Cherie Bryant, Comprehensive Planning & Urban Design Manager Earnest McDonald, Principal Planner

Fiscal Impact:

This item has no current fiscal impact. The Action Plan would likely require budgetary allocation in the future to implement the stated goals and objectives; however, no funding is requested at this time.

Staff Recommendation:

Option #1: Accept the status report on the Huntington Oaks "Sense of Place" Initiative.

Option#2: Approve the renaming of the Huntington Oaks Plaza to "Lake Jackson Town Center at Huntington."

Report and Discussion

Background:

In 2012, the Leon County Board of County Commissioners adopted a Strategic Plan to establish priorities for guiding project implementation over a two-year period. With this plan, the Board undertook an initiative to redevelop Huntington Oaks Plaza (hereafter referred to as the Huntington District) by expanding the Lake Jackson Branch Library and creating a new community center through a "Sense of Place" initiative.

Pursuant to that effort, planning staff conducted a community workshop on April 16, 2012 to facilitate public discussions that included a SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis, and which resulted in various ideas and citizen map sketches. This participatory process established community priorities and infrastructure needs for the Huntington District. The goal of the workshop was to initiate the creation of a clear vision for the area that may be implemented over time in future budget cycles.

The acceptance of the status report and renaming of the Huntington Oaks Plaza to "Lake Jackson Town Center at Huntington" are essential to the following FY 2012 and FY2013 Strategic Initiative that the Board approved at the January 29, 2013 meeting:

> "Redevelop Huntington Oaks Plaza, which will house the expanded Lake Jackson Branch Library and new community center, through a sense of place initiative."

This particular Strategic Initiative aligns with the Board's Strategic Priorities – Quality of Life and Economy:

> "Maintain and enhance our recreational offerings associated with parks and greenway systems for our families, visitors, and residents." (Q1)
>
> "Integrate infrastructure, transportation, redevelopment opportunities and community planning to create the sense of place which attracts talent." (EC1)

Analysis:

Since the community workshop, planning staff has been developing an Action Plan for the Huntington District, which prioritizes the recommendations into goals and action steps. Included within the draft Plan is the recommendation to change the name of the existing shopping center from "Huntington Oaks Plaza" to "Lake Jackson Town Center at Huntington." This is part of a re-branding strategy intended to revitalize the shopping center, attract more customers, and realize the District's potential to become a strong, cohesive, and recognizable community center with plenty of retail destinations and community points of interest.

The draft goals, as distilled from community input, are as follows:

- The Center (Library + Community Center)
  1. Create a Center
  2. Activate the Center
  3. Define the Place

- Connections (Traveling between Places)
  4. Connect Places
  5. Improve Safety for All Modes

- The Ring (Surrounding neighborhoods, parks, etc.)
  6. Green the Place
  7. Build a Community Voice

The Planning Department anticipates providing an initial draft of the Action Plan for internal review by April 30, 2013, and community meetings seeking public input would follow immediately thereafter. The Department expects to submit a formal Action Plan for adoption to the Board no later than the July 9, 2013 regular meeting.

Options:

1. Accept the status report on the Huntington Oaks "Sense of Place" Initiative.
2. Approve the renaming of the Huntington Oaks Plaza to "Lake Jackson Town Center at Huntington."
3. Accept the status report and do not approve the renaming of the Huntington Oaks Plaza to "Lake Jackson Town Center at Huntington."
4. Board direction.

Recommendation:
Options #1 and #2.

Attachment:
1. Summary of the April 16, 2012 Community Workshop Comments

Huntington Oaks Public Workshop
04.16.12

ORGANIZED COMMENTS: PUBLIC WORKSHOP GENERAL COMMENTS AND SWOT ANALYSIS
[Numbers in parenthesis indicate multiple related comments]

Connectivity

- Sidewalks needed (4)
  - Fred George Road (4)
  - Connecting sidewalks/ trails between neighborhoods, community center, schools (3)
  - N. Monroe Street, north on US 27 to surrounding neighborhoods (2)
  - Old Bainbridge Road, is width adequate for sidewalks?
  - Improve condition of existing sidewalks
- Bicycle facilities
  - Bike paths needed, either off-road or bike lanes (3)
- Transit is an asset
  - Improved StarMetro waiting area with shelters, safe, and well lit (5)
  - Expand Park + Ride program (2)
  - Relocate bus transfer location closer to library/ community center frontage
  - Covered waiting area needed
  - Need better access to transit
- Intersection upgrades
  - Improve/ create safer pedestrian crossings on N. Monroe (3)
  - Pedestrian refuges at major intersections to improve pedestrian safety.
  - Increase pedestrian crossing times on N. Monroe St.
  - Crosswalk upgrades (e.g., brick) across US 27
- Traffic safety
  - Sight lines on Fred George Rd. (shrubs & trees, placement of rocks for left turning vehicles into the Plaza, exit from Walgreens onto Fred George) (5)
  - Heavy, fast traffic on Monroe St. acts as divider of area – as more walk to library/ comm. center, it will be an issue. (2)
  - Address safety for seniors on foot

Streetscape + Landscaping

- Landscaping
  - Planted medians on N. Monroe, Landscape the US 27 medians, Create gateway from I-10 to the area, Streetscape improvements for N. Monroe, including nice street lights (7)
  - Gateway treatment for N. Monroe, south of Lk. Jackson. (2)
  - Median improvements/ increased planting/ better maintenance on Fred George Rd.
  - Increase landscaping in area
- Street lighting
  - Improve street lighting, better maintenance (5)
  - Nicer fixtures
  - Increase number for walker safety

Huntington Oaks Public Workshop
_04.16.12_

    - Neighborhood lighting plan – distinct light fixture, address dark areas
- Huntington boulder
    - Move the Rock into the Plaza, but keep it prominent/ focal point (3)
    - Landmark, do not move (3)
        - Landscape/ Improve area around boulder
        - Treat it as a landmark, "Take care of our rock lovingly"

Parks and Open Space

- General
    - Develop parks for the area
    - Create active park in the area, within walking distance
- Passive/ Walking loop
    - Continue connections across the street from the Shopping Plaza (2)
    - Create a small Lake Ella with amenities, trails, fish, observation decks, etc.
    - Vacant property immediately adjacent and west of the Shopping Plaza
    - Create fitness trail around the on-site SWMF that is safe and attractive
- Lake Jackson
    - Improve signage for Lake Jackson Mounds state park
    - Create lake side trails around Lake Jackson
    - Improve Jackson View Park with permanent bathrooms and basic walking trail
    - Improve access to the lake for those without a boat
    - Recreate parks at boat landings – parks disappeared at boat ramps, replaced with parking lot for trailers
    - Improve landscaping for US27 adjacent to Lk. Jackson that improves visibility of lake

Business development

- Business Assistance
    - Business association needed
    - Empty buildings that could be utilized
    - Messy business properties
- Businesses desired for area
    - New family-oriented or sit-down restaurants (like Cracker Barrel, Red Elephant, etc.) (3)
    - Not enough restaurants, but *enough* fast food in area
    - Outdoor seating at restaurants
    - Better retail is welcome
    - Compatible uses for neighborhoods, such as child care and restaurants
    - Tax collector needs a local presence
    - Family-oriented businesses of all types in the Plaza

Huntington Oaks Public Workshop
_04.16.12_

Community Center or Library programming

- Library
  - Library is in good location, active, covers different interests, and has a dedicated staff (3)
  - Need longer library hours (2)
  - Wireless access and/or computer lab needed (2)
  - Need covered drop-off for library patrons and book drop off (2)
  - Provide reading area in front of the library, hopefully with a small café
  - Comfortable seating area
- Community Center
  - Once decided, publicize the Comm. Center programming
  - Senior programs are available as soon as the infrastructure is ready
  - YMCA/ Community center partnership for programming (3), such as…
    - Programs to meet needs of seniors, satellite Sr. Center (3)
    - Develop a teen center (2)
    - Before and after school programs (2)
    - Arts + Crafts, painting (2)
    - Neighborhood recreation center (2)
    - YMCA needs a pool
    - Tutoring business needed
    - Small theatre
    - Dog training
    - Greater socialization, develop more opportunities for exercise
    - Educational evening classes

Shopping Plaza

Built concepts

- Outdoor reading room (2)
- Reading room and sidewalk cafes preferred.
- Repurpose the SWMF for the shopping center
- Walking/ exercise course around center
  - "Parcourse" around the center and adjacent lot to the west.
  - Create walking paths around SWMF and through adjacent westward parcel
- Upgrade wood retaining wall in Plaza to improve looks
- Flooding in Plaza parking lot
- Few ADA parking spaces in Plaza

Programming possibilities

- Community garden (3)
- Farmers market in plaza parking lot, possibly with a pavilion (3)
- Put the center back on the tax rolls
- Outdoor music opportunities

Other

- Christmas decorations in plaza and on Fred George Rd.

Huntington Oaks Public Workshop
04.16.12

Neighborhood assistance

- How can we organize a neighborhood association? Need some assistance and education
- Improved neighborhood services, rental/ transient residents are a problem

Security/ Law enforcement

- Homeless/ transient population in open space areas – safety concerns (3)
- Police/sheriff sub-station needed in area

Nuisance Issues

- Mandatory trash containers for in-town lots, just like the City requires
- Trash
    - Adopt-a-Road programs on area roads (2)
    - Recycling station made more prominent
- Snipe signs are illegal in ROW and detract from area aesthetics
- Vandalism of the Rock

Other

- Feel the NW is the "forgotten side of town."
- Need to network with other communities
- Middle school would be amenity for NW area

Leon County
Board of County Commissioners

Notes for Agenda Item #15

Leon County
Board of County Commissioners

Cover Sheet for Agenda #15

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Acceptance of Status Report on the 2013 Legislative Session

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Director of Economic Development and Business Partnerships
Lead Staff/ Project Team:	Cristina L. Paredes, Special Projects and Intergovernmental Affairs Coordinator

Fiscal Impact:
This item does not have a fiscal impact.

Staff Recommendation:
Option #1: Accept status report on the 2013 legislative session.

Report and Discussion

Background:
Each week throughout the legislative session, staff distributes the *Capitol Update* to Commissioners to provide a concise overview of the key issues affecting Leon County before the Florida Legislature. Leon County also utilizes contract lobbying services, represented by the Capitol Alliance Group, at the state level to further the County's legislative priorities. Capitol Alliance Group provides a daily presence at the state Capitol by advocating the County's legislative priorities with the County's delegation and legislative leaders. In addition, the Capitol Alliance Group provides a comprehensive weekly overview of legislative issues to compliment the *Capitol Update* produced by staff.

Analysis:
County staff and representatives of the Capitol Alliance Group will provide a mid-session oral report to the Board during the April 9, 2013 Commission meeting.

Sine Die for the 2013 legislative session is scheduled for May 3, 2013. As the closing weeks of the state legislative session grow near, staff will continue to provide the Board with information affecting the County through the *Capitol Update* and calls-to-action.

Options:

1. Accept status report on the 2013 legislative session.
2. Do not accept the status report on the 2013 legislative session.
3. Board direction.

Recommendation:
Option #1.

Leon County
Board of County Commissioners

Notes for Agenda Item #16

Leon County
Board of County Commissioners

Cover Sheet for Agenda #16

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Acceptance of a Status Report and Approval to Implement After-Hours and Weekend Building Inspections for Certain Types of Construction Projects

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County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Director, Public Works and Community Development David McDevitt, Director, Development Support and Environmental Management
Lead Staff/ Project Team:	Ed Jarriel, Jr., Director, Building Plans Review and Inspections Division

Fiscal Impact:

This item has a minimal fiscal impact to the County. The estimated fiscal impact, associated with on-call and overtime pay, to support this initiative would be approximately $4,270 per year. The Building Plans Review and Inspection Division is designated as an enterprise fund, and, as such, receives no resources from the County's general revenue account. The Division's current unappropriated fund balance is sufficient to support this proposal without any impact on the County's general revenue fund.

Staff Recommendation:

Option #1: Accept the status report and approve the proposal to provide after-hours and weekend building inspections for certain types of construction projects.

Report and Discussion

Background:
On January 23, 2012, a LEADS focus group meeting was held with Building Plans Review and Inspection Division staff and local construction industry leaders. The purpose of the focus group meeting was to identify and discuss the Strengths, Weaknesses, Opportunities, and Threats of the Division. Included in this group were contractors representing the Tallahassee Builders Association, local sub-trade contractors (such as plumbers), local realtors, and key DSEM staff familiar with the internal processes of the Building Plans Review and Inspection Division. Additional focus group members included outside personnel from the State Department of Health.

During the focus group discussions, several opportunities for enhanced customer service were identified. Among these opportunities was the potential to provide after-hours and weekend building inspections for single-family dwellings. Currently, building inspections for single-family dwellings are restricted to normal business hours, and are accommodated through the normal inspection process. However, with the implementation of the after-hours and weekend inspection initiative, these inspections could be performed beyond normal business hours and on weekends; thereby, allowing the contractor greater flexibility to continue the work on his/her construction schedule. Greater flexibility will allow shortened construction time periods and provide for reduced costs to the contractor, and, ultimately, the homeowner. Additionally, this initiative will allow the inspections of certain types of minor construction activities as well, including water heater and HVAC change-outs, electrical service work, and reroofing work, which are often conducted during weekends. At the conclusion of the focus group meeting, staff agreed to further investigate the possibility of expanding the current inspection process to include after-hours and weekend inspections.

The approval to implement after-hours and weekend building inspections is essential to the following FY2012 and FY2013 Strategic Initiative, adopted by the Board at the January 29, 2013 meeting:

> "Investigate feasibility of providing after hours and weekend building inspections for certain types of construction projects."

This particular Strategic Initiative aligns with the Board's Strategic Priority – Governance,

> "Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value."

Analysis:
At the February 26, 2013 meeting, the Board adopted an amended Ordinance to the County's Noise Ordinance to allow construction-related activities on Saturdays during an established time period, and to include an exemption for non-residential and multi-family development projects that have received the required development approval and permits from the County. As a result of the amendment, Building Plans Review and Inspection staff completed the investigation into the possibility of providing after-hours and weekend building inspections, as proposed by the LEADS Focus Group.

During the investigation, it was concluded that there would be two separate fiscal impacts that would be realized in order to support this proposed initiative. The first fiscal impact will be the "on-call" pay identified in the County's Personnel Policies and Procedures Manual, Section 5.12 (Attachments #1 and #2). As per the manual, employees in positions that provide "emergency" service on a recurring basis may be designated "on-call" during other than normal working hours. Employees on such on-call status are expected to be constantly available in order to respond to the need for their services. Further, the policy states that such employees shall receive on-call pay at the rate of $10 per workday, $15 per weekend day and $20 per holiday. It is anticipated that the on-call expenditures to support this initiative would total approximately $4,270 per year and will be realized regardless of whether an inspection service is provided.

The second fiscal impact involves expenses incurred as a result of an inspection request. Should an inspector be "called out" to perform an inspection, a minimum of two hours pay will be charged to the contractor to recover the associated costs of the inspection. The minimum fee charged will be $82.24 per hour, as established in the Building Inspection Fee Ordinance 07-01 and will recover the required minimum staff pay established in the County's Personnel Policies and Procedures Manual.

Options:

1. Accept status report and approve the proposal to provide after-hours and weekend building inspections for certain types of construction projects.
2. Accept status report and do not approve the proposal to provide after-hours and weekend building inspections for certain types of construction projects.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Building Inspection Fee Ordinance #07-01
2. Leon County Policies and Procedures Manual Section 5.12

VSL/TP/DM/EJ

ORDINANCE NO. ORD07-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY FLORIDA, AMENDING CHAPTER 5 OF THE CODE OF LAWS OF LEON COUNTY, RELATED TO BUILDING AND CONSTRUCTION REGULATIONS; AMENDING ARTICLE II OF CHAPTER 5 OF THE CODE OF LAWS OF LEON COUNTY, RELATED TO TECHNICAL CODES AND STANDARDS; AMENDING SECTION 5-39, PERMIT FEES; AMENDING SECTION 5-84, ELECTRICAL FEES; AMENDING SECTION 5-139, GAS FEES; AMENDING SECTION 5-153, MECHANICAL FEES; AMENDING SECTION 5-189, PLUMBING FEES; AMENDING SECTION 5-191, FEES ENUMERATED; AMENDING ARTICLE IV, DIVISION 2, SUBDIVISION II OF CHAPTER 5 OF THE CODE OF LAWS OF LEON COUNTY, RELATED TO THE CONTRACTORS LICENSING AND EXAMINATION BOARD; AMENDING SECTION 5-476, RECOMMENDATIONS; AMENDING CHAPTER 16, ARTICLE III OF THE CODE OF LAWS OF LEON COUNTY, RELATED TO DRIVEWAY CONNECTIONS; AMENDING SECTION 16-60, APPLICATION FOR PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Leon County has determined that growth should pay its own way; and

WHEREAS, the Board has determined that building permit fees should cover the cost of operating the Building Inspection Office; and

WHEREAS, the Board previously adopted Ordinance No. 06-22, which amended portions of Chapter 5 of the Leon County Code of Laws related to Building and Construction Regulations; and

WHEREAS, the Board desires to further amend Chapter 5 of the Leon County Code of Laws by adopting building permit fee schedules for the purpose of supporting building inspections; and

WHEREAS, the Board desires to amend Chapter 16, Article III of the Leon County Code of Laws by adopting permit fees related to driveway connections;

Installation, alteration, repair of water piping and/or water treating equipment	$6.52	$7.95	$8.51
Repair/alteration of drainage or vent piping	$6.52	$7.95	$8.51
1 to 5 vacuum breakers or backflow protective device equipment served	$6.52	$7.95	$8.51
Each vacuum breaker or backflow protection device Install subsequent to installation of the piping or equipment served over 5	$1.43	$1.75	$1.87
Special projects hourly charge:			
Building Inspection Director	$143.00	$174.46	$186.67
Deputy Building Official/Plans Examiner	$68.00	$82.96	$88.77
Building Inspectors	$63.00	$76.86	$82.24
Support Staff	$40.00	$48.80	$52.22
Administrative Associate V	$62.00	$75.64	$80.93
Contractor License:			
Contractor License Application fee	$467.00	$5.69.74	$609.62
Contractor License Reinstatement/Reciprocity Fee	$262.00	$319.64	$342.01
Contractor License Renewal Fee	$57.00	$69.54	$74.41
Occupational Certificate Fee	$49.00	$59.78	$63.96
Residential Driveway Connection Fee	$63.00	$78.86	$82.24
Commercial Driveway Connection Fee	$250.00	$305.00	$326.35
Reinspection fee:	$50.00	$61.00	$65.27
Automated Permits	$86.00	$104.9	$112.26

$112.26

Section 9. Severability. Each separate provision of this ordinance is deemed independent of all other provision herein so that if any provision or provisions of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Section 10. Conflicts. All ordinances and/or resolution or parts of ordinances and/or resolution in conflict with the provision of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2110 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 11. Effective Date. This ordinance shall take effect on March 1, 2007.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, this 23RD day of January, 2007.

LEON COUNTY FLORIDA

BY: _____
C.E. DePuy, Jr., Chairman
Board Of County Commissioners

ATTEST:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

BY: John Stott, Deputy Clerk
Clerk

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE

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

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is required duty. Failure to perform overtime, except in cases of personal emergency, or other appropriate reasons, is deemed to be insubordination. Exceptions shall be granted in cases of such emergency or other appropriately approved reason.

Procedure: Overtime

Leave time earned and used is recorded daily on the official time sheet.

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5.12 **On-Call, Stand-By and Call-Out Pay**

Employees in positions which provide "emergency" service on a recurring basis may volunteer or be designated "on-call" during other than normal working hours. Employees in such "on-call" status are expected to be constantly available in order to respond immediately to the need for their services. Such employees shall receive "ON-CALL" pay consisting of a weekly premium in an amount designated by the Board, and shall be paid for the time worked.

When an emergency requires employees not scheduled for "ON-CALL" duty to be in preparedness status to come to work upon call, they are considered to be on "STAND-BY", and are compensated according to the established "ON-CALL" premium amount. Should these employees' status move from ON-CALL or STAND-BY into "CALL-OUT", or should any employee with no prior notice be called out, they are compensated from the time of the call and provided a minimum of two hours worked. Compensation differs between normal weekday (Monday thru Friday), weekend (Saturday & Sunday) and Holiday.

On-Call pay is $10.00 per day, $15.00 per weekend day and $20.00 per Holiday. (Weekend days are defined as Saturday and Sunday.) Should the employee be called out, a minimum of two (2) hours pay will be granted

5.13 Emergency Guidelines for Compensation, Work Hours and Work Assignments

The purpose of this policy is to provide guidelines for compensating employees and designating work hours and work assignments for employees of the Board of County Commissioners during a Declared Local State of Emergency (DLSOE).

The County shall make a reasonable effort to release employees from work prior to, during and after any DLSOE to take care of personal and family related safety matters. Whether the County remains operational or shuts down operations due to a DLSOE, all employees will be required to report to work, if needed. Employees may be reassigned to other work areas and work hours altered in order to ensure continuation and restoration of community services, maintain safety and fulfill the County's responsibilities to its citizens.

Leon County
Board of County Commissioners

Notes for Agenda Item #17

Leon County
Board of County Commissioners

Cover Sheet for Agenda #17

April 9, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Consideration of Full Board Committee Appointments to the Affordable Housing Advisory Committee, Enterprise Zone Development Agency, and Value Adjustment Board

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Christine Coble, Agenda Coordinator

Fiscal Impact:
This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Make one appointment to the Affordable Housing Advisory Committee.

Option #2: Make one appointment to the Enterprise Zone Development Agency.

Option #3: Make one citizen appointment to the Value Adjustment Board.

Report and Discussion

Background:

At its August 23, 2011 meeting, the Board approved the revised process for Advisory Committee appointments by having a General Business item prepared for full Board appointments.

Analysis:

Affordable Housing Advisory Committee (AHAC)
The membership of the AHAC is comprised of 11 members who serve four year terms that ended September 30, 2012. The goal of AHAC is to identify incentives that are pertinent to affordable housing and serve as an information resource to help improve affordable housing feasibility. All members are appointed by the full Board (Attachment #1). There are currently four positions vacant.

The specific criteria for the four vacancies are:

- A member who represents employers within the jurisdiction
- Citizen who is actively engaged in the banking or mortgage banking industry
- A member who is actively engaged as an advocate for low-income persons in connection with affordable housing
- Citizen who is actively engaged as a for-profit provider of affordable housing

An application has been received from Keishann Corley, who would meet the criteria for a member who is actively engaged as an advocate for low-income persons in connection with affordable housing (Attachment #2).
The full Board has one appointment.

Enterprise Zone Development Agency
The EZDA has 11 members, serving four-year terms, with the full Board having eight appointments, by designated positions/categories. The primary responsibility of the EZDA is to assist in the development and oversight of the Enterprise Zone strategic plan; and, identify and recommend ways to remove regulatory barriers placed on businesses to the County and City Commissions (Attachment # 3). One of the members of the EZDA consists of a representative from a local finance or insurance entity, which currently has a vacancy. An application was received from Mr. Sherwood Brown (Attachment #4), and, subsequently, a letter of recommendation was submitted from Sue Dick, President, Economic Development Council of Tallahassee/Leon County, Inc. (Attachment #5). The Leon County Code of Laws requires that the members of the EZDA be appointed by the Board by resolution (Attachment #6).
Full Board has one appointment of a representative of a local finance or insurance entity.

Value Adjustment Board
The Value Adjustment Board (VAB) settles disputes between taxpayers and the Property Appraiser. If the property owner feels the property's assessment, classification or exemption is incorrect, a petition can be filed with the VAB. The VAB consists of two County Commissioners, a School Board member, and two citizens (one appointed by the County Commission and one appointed by the School Board). Members serve one-year terms, expiring on February 28, with the full Board making appointments (Attachment #7). Currently, a citizen needs to be appointed by the Board to fill a vacancy. Applications have been received by Pamela Kiser-Burch (Attachment #8) and Greg Cowan (Attachment #9).
Full Board has one citizen appointment.

Options:

1. Make one appointment to the Affordable Housing Advisory Committee.
2. Make one appointment to the Enterprise Zone Development Agency.
3. Make one citizen appointment to the Value Adjustment Board.
4. Continue appointments.
5. Board direction.

Recommendation:

Options #1, #2, and #3.

Attachments:

1. Eligibility and Criteria – Affordable Housing Advisory Committee (AHAC)
2. Application – Keishann Corley (AHAC)
3. Eligibility and Criteria – Enterprise Zone Development Agency (EZDA)
4. Application – Sherwood Brown (EZDA)
5. Letter of Recommendation from Sue Dick (EZDA)
6. Resolution for appointment (EZDA)
7. Eligibility and Criteria – Value Adjustment Board (VAB)
8. Application – Pamela Kiser-Burch (VAB)
9. Application – Greg Cowan

Affordable Housing Advisory Committee (AHAC)

Responsibility:

The goal of AHAC is to identify incentives that are pertinent to affordable housing and serve as an information resource to help improve affordable housing feasibility. The AHAC will review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan and shall recommend specific actions or initiatives to encourage or facilitate affordable housing.

Created By:

F. S. 420.9076 (2007)
County Ordinance No. 08-10, adopted May 13, 2008
Resolution No. 08-6, adopted May 13, 2008

Appointments:

11 - Full Board appointments (see eligibility requirements)

Terms:

Each of the five dual-role members (HFA/AHAC) would serve a term that would coincide with the HFA appointment. The remaining six members would serve a four-year term, ending September 30.

Eligibility Criteria:

The membership of the AHAC shall comprise eleven (11) members based on the following criteria:

1. A member who is actively engaged in the residential home building industry in connection with affordable housing.
2. A member who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
3. A member who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
4. A member who is actively engaged as an advocate for low-income persons in connection with affordable housing.
5. A member who is actively engaged as a for-profit provider of affordable housing.
6. A member who is actively engaged as a not-for-profit provider of affordable housing.
7. A member who is actively engaged as a real estate professional in connection with affordable housing.
8. A member who actively serves on the local planning agency pursuant to s. 163.3174.
9. A member who resides within the jurisdiction of the local governing body making the appointments.
10. A member who represents employers within the jurisdiction.
11. A member who represents essential services personnel, as defined in the local housing assistance plan.

Type of Report:

The AHAC will submit a written report to the Board.

Contact Person/Staff:

Lamarr Kemp, Housing Director
Office of Human Services & Community Partnerships
918 Railroad Avenue
Tallahassee, 32310
606-1900 Office
606-1901 Fax
Email: kempl@leoncountyfl.gov

Members:

Jones, Darryl Eugene Bethel CDC	Begin Term: 02/26/2013 End Term: 9/30/2016 Type: four years	Original Date: 12/14/2010 Appointed by: Planning Commission	Category: Citizen who actively serves on the local planning agency Email: dajones32301@yahoo.com
Milsted, Charles	Begin Term: 02/26/2013 End Term: 9/30/2016 Type: four years	Original Date: 10/14/2008 Appointed by: Board of County Commissioners	Category: Citizen who resides within the jurisdiction of the local governing body making the appointments. Email: cmilsted@aarp.org
Carter, Wanda	Begin Term: 02/26/2013 End Term: 9/30/2016 Type: four years	Original Date: 4/13/2010 Appointed by: Board of County Commissioners	Category: Citizen who is actively engaged as a real estate professional Email: realestatepro2008@gmail.com
Davis, Regina Frenchtown CDC	Begin Term: 02/26/2013 End Term: 9/30/2016 Type: four years	Original Date: 10/14/2008 Appointed by: Board of County Commissioners	Category: Citizen who is actively engaged as a not-for-profit provider of affordable housing Email: frenchtowncdc@aol.com
Worley, Mark	Begin Term: 02/26/2013 End Term: 9/30/2016 Type: four years	Original Date: 10/14/2008 Appointed by: Board of County Commissioners	Category: Citizen who is actively engaged in the residential home building industry Email: markworley@embarqmail.com
Everett, Nicole Tallahassee Lenders' Consortium	Begin Term: 02/26/2013 End Term: 9/30/2016 Type: four years	Original Date: 10/14/2008 Appointed by: Board of County Commissioners	Category: Citizen who represents essential services personnel, as defined in the local housing assistance plan Email: neverett@tallahasseelenders.org
Clark, John Boston	Begin Term: 02/26/2013 End Term: 9/30/2016 Type: four years	Original Date: 3/15/2011 Appointed by: Board of County Commissioners	Category: Citizen Representative of those areas of labor actively engaged in home building Email:jbclark5@earthlink.net

Vacant			Category: Citizen who represents employers within the jurisdiction
Vacant			Category: Citizen who is actively engaged in the banking or mortgage banking industry
Vacant			Category: Citizen who is actively engaged as an advocate for low-income
Vacant			Category: Citizen who is actively engaged as a for-profit provider of affordable housing

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Christine Coble
by telephone at 606-5300 or by e-mail at CobleC@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Keishann Corley | Date: 13-Mar-2013

Home Phone: (850) 590-3380 | Work Phone: (850)487-1911X117 | Email: corley.keishann@gmail.com

Occupation: DEPUTY CLERK; DIRECTOR & P | Employer: DEPT OF ADMINISTRATIVE HEARINGS; DANCING COM

Preferred mailing location: Work Address
Work Address: 1180 APALACHEE PARKWAY
SUITE C
City/State/Zip: TALLAHASSEE FL 32301

Home Address 2738 WEST THARPE STREET
APT 110
City/State/Zip: TALLAHASSEE FL 32303

Do you live in Leon County? Yes If yes, do you live within the City limits? Yes
Do you own property in Leon County? No If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 7.00 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference
1st Choice: Affordable Housing Advisory Committee 2nd Choice: Research and Development Authority at Innovation

What cultural arts organization do you represent, if any?
DANCING COMMUNITY OF PRAISE

If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please note those areas in which you are interested:

If you are appointed to a Committee, you are expected to attend regular meetings.
How many days permonth would you be willing to commit for Committee work? 4 or more
And for how many months would you be willing to commit that amount of time? 6 or more
What time of day would be best for you to attend Committee meetings? Day

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: African American Sex: Female Age: 25
Disabled? No District:

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

INITIALLY I BECAME INVOLVED WITH AFFORDABLE HOUSING WHEN I RECEIVED HELP FROM A HOUSING PROGRAM CALLED, "NEW HOPE FOUNDATION." IT IS A 6 MONTH TO 2 YEAR PROGRAM THAT PROVIDES ROOMS FOR ANYONE IN NEED AND WHO ARE WILLING TO ADHERE TO THE CONDITIONS OF THE PROGRAM. IN OCTOBER 2011 MY YOUNGEST BROTHER PASSED. AS A RESULT, I MADE SOME CARELESS DECISIONS DUE TO WAY THAT I DECIDED TO GRIEVE HIS DEATH.

DURING THAT TIME I WAS WORKING ON A YOUTH PREVENTION PROGRAM AND TWO COMMUNITY PROJECTS. I STOPPED DOING EVERYTHING UNTIL I REALIZED THAT LIFE CONTINUES, BILLS STILL NEED TO BE PAID AND TIME DOES NOT STOP. AFTER LEAVING NEW HOPE ABOUT 4 MONTHS LATER I BECAME INTERESTED IN HOUSING AND WAYS THAT THE PROGRAM COULD IMPROVE. I RECEIVED SO MUCH FROM THEM THAT I DESIRED TO GIVE BACK.

I STARTED ASSISTING THE COORDINATOR IN FUNDRAISING IDEAS AND HANDLING THE BUDGET.

FROM THERE, I BECAME INVOLVED WITH GRADUATING RESIDENTS, INSURING THEY HAD CHOSEN AN AFFORDABLE APARTMENT TO MOVE IN THAT FIT THEIR BUDGET. I ASSISTED WITH EDUCATIONAL PLANS, SCHEDULING MEETINGS, AND SCHEDULING BUDGET/HOUSEHOLD MANAGEMENT CLASSES, ETC.

IN CONNECTION WITH MY YOUTH PREVENTION PROGRAM, "DANCING COMMUNITY OF PRAISE," (DC) MANY OF THE STUDENTS I SERVICE LIVED IN LOW-INCOME AREAS AND AS I INTERACTED WITH THEIR PARENTS, I WAS ABLE TO PROVIDE THEM WITH ADDITIONAL RESOURCES.

LAST YEAR, I STARTED TO USE THE FACILITIES AT MARYLAND OAKS CROSSING FOR MY YOUTH TO HAVE DANCE PRACTICE AND TO HOLD VOLUNTEER PROJECT MEETINGS. I HAVE LEARNED MUCH FROM THEM AS WELL AND INTERVIEWED SOME FOR SCHOOL PURPOSES. I AM SCHEDULED TO FINISH MY MASTERS PROGRAM IN COMMUNITY AND ECONOMIC DEVELOPMENT IN JULY 2014.

MY INTEREST IN JOINING THIS COMMITTEE STEMS FROM THE HEART I DEVELOPED JUST OVER THE COURSE OF 4 YEARS. NOT ONLY HAVE I PERSONALLY EXPERIENCED ISSUES THAT THOSE OF A LOWER SOCIO-ECONOMIC FACE, I SIMPLY DESIRE TO HELP.

TO BE HONEST, WHEN I FIRST STARTED MY COMMUNITY PROGRAMS, IT WAS NOT ACCEPTED WITH PRAISE. I BELIEVE NO ONE REALLY TOOK ME SERIOUSLY. I UNDERSTOOD THEIR REASONING FOR NOT DOING SO WHICH PUSHED ME TO FURTHER MY EDUCATION IN THE SOMETHING COMMUNITY BASED. I AM SIMPLY LOOKING FOR MORE WAYS TO BECOME INVOLVED, LEARN MORE, AND IMPROVE THE CONDITIONS OF THE COMMUNITY WHERE I RESIDE.

I OFFER NEW IDEAS AND CLEARER UNDERSTANDING OF HOW WE CAN PROVIDE A FRAMEWORK WHICH WOULD ALLOW INDIVIDUALS TO BECOME SELF-SUFFICIENT. THE PRINCIPLE OF RESPONSIBILITY AND ACCOUNTABILITY ARE KEYS THAT CAN

References (you must provide at least one personal reference who is not a family member):

Name: VICKIE RUTLEDGE Telephone: 8506680111
Address: KILMARTIN DRIVE TLH, FL 32309

Name: LEIGH DAVIS Telephone: 8506061428
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP
AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp BEFORE YOUR APPLICATION IS DEEMED COMPLETE.

Have you completed the Orientation? Yes
Are you willing to complete a financial disclosure form and/or a background check, if applicable? Yes

Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? No
If yes, from whom?
Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? No

Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? No
If yes, please explain.

Do you or your employer, or your spouse or child or their employers, do business with Leon County? No
If yes, please explain.

Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? No
If yes, please explain.
All statements and information provided in this application are true to the best of my knowledge.

Signature: Keishann Corley

This application was electronically sent: 3/13/2013 2:23:18PM

Enterprise Zone Agency Development (EZDA) Board of Commissioners

Responsibility:

- Review, process and certify applications for state enterprise zone tax incentives
- Provide assistance to businesses and residents within the EZ
- Promote the development of the EZ
- Make and execute contracts and other instruments necessary to the exercise of the County's powers as an EZ governing body
- Assist in the development and oversight of the EZ strategic plan and identifying and recommending ways to remove regulatory barriers placed on businesses to the County and City Commissions
- Oversee and monitor the implementation of the strategic plan for the Enterprise Zone
- Identify to the City and County Commissions the financial needs of, and local resources or assistance available to, eligible businesses within the EZ

Created By:

Leon County Code of Laws Chapter 2, Art. III, Div. 4; Selection Criteria for EZDA members:

BCC Ordinance - June 11, 2002
BCC Resolution - July 30, 2002

Appointments:

11 - appointed by the BCC

One representative from each of the following:

1. Chamber of Commerce
2. A local financial or insurance entity
3. A business operating within the proposed EZ area
4. A resident residing within the proposed EZ area
5. Non-profit, community-based organization operating within the proposed EZ area
6. Local Workforce Development Board
7. Local Code Enforcement Board
8. Local Law Enforcement
9. Chairperson of the Board of County Commissioners or Commissioner designee
10. Vice-chairperson of the Board of County Commissioners or Commissioner designee
11. Mayor of the City of Tallahassee or designee

Terms:

Initial Terms were staggered for specific members.
Subsequent terms are 4 years.

Eligibility Criteria:

[Refer to Positions]

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

It is the applicant's responsibility to keep the information on this form current.
To advise the County of any changes please contact Christine Coble
by telephone at 606-5300 or by e-mail at CobleC@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Sherwood L. Brown, Sr.., CFP | Date: 3-12-13

Home Phone: 562-5553 | Work Phone: 410-3565 | Email: Slbrown@firstcommercecu.org

Occupation: Bus. Serv. Manager | Employer: First Commerce Credit Union

Please check box for preferred mailing address.

☒ Work Address: PO Box 6416, Tallahassee, FL 32314
City/State/Zip:

☐ Home Address 7804 Preservation Road, Tallahassee, FL 32312-6752
City/State/Zip:

Do you live in Leon County? ☑ Yes ☐ No If yes, do you live within the City limits? ☑ Yes ☐ No
Do you own property in Leon County? ☑ Yes ☐ No If yes, is it located within the City limits? ☑ Yes ☐ No

For how many years have you lived and/or owned property in Leon County? 26 years

Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference

1st Choice: EZDA Board of Commissioners 2nd Choice: _____

If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please check those areas in which you are interested, or describe other areas not listed:

Human Services __ Housing __ Health Care __ Science __ Library Services __ Growth Management __
Tourist Development __ Transportation __ Bicycle/Pedestrian __ Parks & Recreation __
Code Enforcement___
Other Areas _____

Have you served on any previous Leon County committees? ☐ Yes ☑ No

If Yes, on what Committee(s) have you served? _____

How many days per month would you be willing to commit for Committee work? ☑ 1 ☐ 2 to 3 ☐ 4 or more
And for how many months would you be willing to commit that amount of time? ☐ 2 ☐ 3 to 5 ☑ 6 or more
What time of day would be best for you to attend Committee meetings? ☑ Day ☐ Night

(*OPTIONAL*) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: ☑ Caucasian ☑ African American ☐ Hispanic ☐ Asian ☐ Other
Sex: ☑ Male ☐ Female Age: 45 Disabled? ☐ Yes ☑ No

Persons needing a special accommodation to participate in an Advisory Committee should contact
Christine Coble by telephone at 606-5300 or e-mail at CobleC@mail.co.leon.fl.us

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application. Please attach your resume, if one is available.

23 years in banking of which 22 of those years have been in the Big Ben Market. At least 20 years of Commercial lending experience and loaned in excess of $3MM in the Frenchtown community.

References (you must provide at least one personal reference who is not a family member):

Name: Malcolm K. Barrington. Telephone: 850-339-5705
Address: 6245 Hines Hill Circle, Tallahassee, FL 32312

Name: Carla De Baldo Telephone: 850-410-3567
Address: 2073 Summit Lake Dr., Tallahassee, FL 32317

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE QUESTIONS BELOW, YOU MUST COMPLETE AN ORIENTATION BEFORE YOUR APPLICATION IS DEEMED COMPLETE.

Have you completed the Orientation? ☐ Yes ☑ No
Are you willing to complete a financial disclosure form, if applicable? ☑ Yes ☐ No
Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? ☐ Yes ☑ No If yes, from whom? _____
Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? ☐ Yes ☑ No
Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? ☐ Yes ☑ No If yes, please explain _____
Do you or your employer, or your wife or child or their employers, do business with Leon County? ☐ Yes ☑ No
If yes, please explain _____
Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? ☐ Yes ☑ No
If yes, please explain _____

All statements and information provided in this application are true to the best of my knowledge.

Signature: _____

Please return Application to Christine Coble, Agenda Coordinator
Leon County Board of County Commissioners
301 South Monroe Street
Tallahassee, FL 32301

Sherwood L. Brown, Sr., CFP

7804 Preservation
Tallahassee, FL 32312
sherwood67@comcast.net

850-410-3565 Office
850-562-5553 Home
850-264-4752 Mobile

EDUCATION: Florida A&M University, Tallahassee, FL
Degree: BS, Business Administration
G.P.A.: 3.2/4.0 Scale, Cum Laude
Graduated 12/1989

College for Financial Planning, Denver, CO
CFP Professional Education Program
June 2000

EXPERIENCE

First Commerce Credit Union
12/2010 – Present **Business Services Manager** - Lead and facilitate the entire commercial banking function of the credit union by supervising a small team of relationship managers while maintaining a small book of business individually. Grew the business services portfolio by 65% annually during the first two years at the credit union. Responsible for training & developing the business services channel within the financial centers.

S&R Brown Consulting, LLC
04/1994 – Present **Owner, Managing Member, Certified Financial Planner** - Provide tax preparation services, credit repair and counseling services, financial literacy seminars, retirement planning/referral, and pre-marital financial counseling. Clients past and present include but not limited to the Passport Program at Tampa Bay Workforce Innovation, Florida A&M University and several area churches, schools and non profits.

Wachovia Bank, NA, A Wells Fargo Company
12/2009 – 12/2010 **Manager, Vice-President –** Managed the $17MM, South Monroe Store leading a team of 4 Personal Bankers, 10 Tellers and 10 College Interns delivery financial solutions to the Mass market in the Southeast quadrant of Tallahassee. The South Monroe store consistently performed in the top 10% of the 500+ Wachovia stores in Florida. Also responsible for training bankers to become managers and serving as the local relationship manager/liaison to Florida A&M University a large Wachovia Client.

12/2004 –12/2009 **Small Business Banker, Vice-President** – Prospected, sold and delivered financial services and solutions to businesses and their owners with annual sales up to $3MM and total loan exposure no greater than $2.5MM. Served as a coach, mentor and business partner for Financial Specialist/Branch population in

the area of small business. Territory included all of the Big Bend including, the Perry and Madison markets. Represented the bank heavily in the community and other areas of the state as a seminar and conference speaker as it concerned small business, credit and financial planning.

05/01- 12/2004 **Financial Specialist II/Certified Financial Planner, VP** – Tallahassee. Developed and grew relationships with small businesses and consumers through needs based delivery of loans, investment products, deposit products and financial planning, through consistently prospecting and profiling prospects and the existing customer base. Serves as a mentor to new hires and college recruits helping them develop those necessary practices necessary for their success. Earned Certified Financial Planner status in May of 2001, 1st Wachovia employee in the Big Bend market to earn such designation.

03/00 – 05/01 **Senior Financial Specialist, VP** – Tallahassee – Coached under performing Financial specialist by helping them develop and activate those skills necessary to reach their full potential. Mentored new hires and college recruits in addition to developing and growing existing customer base through effective prospecting and profiling.

07/98 – 03/00 **Financial Specialist II, AVP**– North Monroe Business Financial Center Developed and grew relationships with through needs based delivery of loans, investment products with an emphasis on small businesses.

02/92 – 07/98 **Branch Manager IV, AVP** – South Monroe Financial Center & Monroe-Park Financial Center (2/92 – 11/94) Managed a financial center with $13MM in deposits growing loans and deposits. Provided leadership for 8 to 12 financial center employees including customer sales specialist, licensed employees, teller specialist and tellers. Modeled relationship building and stellar service to be imitated by team members. Recognized as one the 4 top branch managers in Florida in 1993 winning a sales trip to St. Thomas, Virgin Islands.

06/90 – 02/91 **Consumer Sales Associate** – Miami, FL & Tallahassee Serviced new & existing clients in financial centers in both Miami, FL and Tallahassee FL. Sold bank deposit products and loan products.

01/90 – 06-90 **Community Bank Management Associate** – Miami, FL
Successfully completed First Union's (FKA Southeast Bank, N.A)'s consumer associate program designed for selected college graduates to prepare them for management positions within the company.

Affiliations:

- Metropolitan Cathedral of Truth – Board member, Minister of Music
- Leadership Tallahassee – Class 23 Graduate
- Northwest Florida Black Business Investment Corporation – Secretary of the Board
- 100 Black Men of America, Tallahassee Chapter – Vice President of Finance
- Rotary Club of Tallahassee – Director of New Generations, Paul Harris Fellow

.

March 15, 2013

To Whom It May Concern:

The Tallahassee/Leon County Enterprise Zone Development Agency bylaws, policies and procedures mandates that the members of the EZDA shall be appointed by Resolution of the County Commission and shall consist of eleven (11) members; one of the members consisting of a representative from a local finance or insurance entity to serve an initial term of four years (subsequent term: four years).

This letter is to serve as my formal recommendation for Sherwood Brown, Business Services Manager, First Commerce Credit Union, to serve on the Tallahassee/Leon County Enterprise Zone Development Agency as the local finance entity.

His capacity as a Business/Commercial Services manager and strong background in the area and prior experience working with the Enterprise Zone provides him with the knowledge and background that the board is seeking. For these reasons, I highly recommend Sherwood Brown as a candidate to serve on the Tallahassee/Leon County Enterprise Zone Development Agency Board of Commissioners.

If you have any questions regarding Sherwood Brown or this recommendation, please contact me at (850) 521-3100.

Sincerely,

Sue Dick,
President
Economic Development Council of Tallahassee/Leon County, Inc.
PO Box 1639
115 N. Calhoun Street
Tallahassee, FL 32302
Direct: (850) 521-3100
s.dick@taledc.com
www.taledc.com

RESOLUTION NO. _____

RESOLUTION OF BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, SETTING FORTH APPOINTMENT OF NEW MEMBER TO THE ENTERPRISE ZONE DEVELOPMENT AGENCY (EZDA);

WHEREAS, Section 2-92 of Chapter 2, Article III, Division 4 of the Code of Laws of Leon County requires that the members of the Enterprise Zone Development Agency (the EZDA) be appointed by the Board of County Commissioners (the Board) by resolution; and

WHEREAS, there currently is a need for a new member to be appointed to the EZDA.

NOW THEREFORE, BE IT RESOLVED, by the Leon County Board of County Commissioners as follows:

Section 1. That the Leon County Board of County Commissioners hereby appoints the following person as a new member of the Enterprise Zone Development Agency for the term set forth herein below:

Name	Category	Begin Term	End Term
Sherwood Brown	Local finance or insurane entity	April 9, 2013	July 31, 2017

Proposed, presented, and passed this 9th day of April, 2013.

LEON COUNTY, FLORIDA

By: _____
Nicholas Maddox, Chairman
Board of County Commissioners

ATTEST:

BOB INZER, CLERK OF THE CIRCUIT COURT

By: _____

APPROVED AS TO FORM:

OFFICE OF THE COUNTY ATTORNEY
LEON COUNTY, FLORIDA

By: _____

The Value Adjustment Board (VAB) settles disputes between taxpayers and the Property Appraiser. Property owners are notified in August of their property's assessed and market values in a Truth in Millage (TRIM) notice. If the property owner feels the property's assessment, classification or exemption is incorrect, a petition can be filed with the VAB.

VAB, which consists of two county commissioners, one school board member and two citizen members, approves and hires Special Magistrates to settle disputes during scheduled quasi-judicial hearings.

THE BOARD OF COUNTY COMMISSIONERS, LEON COUNTY, FLORIDA
CITIZEN MEMBER QUALIFICATIONS DECLARATION
TO THE VALUE ADJUSTMENT BOARD

The citizen member appointed by the Board of County Commissioners must be the following:

1. One who owns homestead property in the County appointed by the county's governing body.

2. Citizen members must not be:

   a. A member or employee of any taxing authority in this state;
   b. A person who represents property owners, property appraisers, tax collectors, or taxing authorities in any administrative or judicial review of property taxes.

3. Citizen members shall be appointed in a manner to avoid conflicts of interest or the appearance of conflicts of interest.

   (a) Each elected member of the Value Adjustment Board (Board) shall serve on the Board until he or she is replaced by a successor elected by his or her respective governing body or School Board or is no longer a member of the governing body or School Board of the County.
   (b) When an elected member of the Value Adjustment Board ceases being a member of the governing body or School Board whom he or she represents, that governing body or School Board must elect a replacement.
   (c) When the citizen member of the Value Adjustment Board appointed by the governing body of the County is no longer an owner of homestead property within the County, the governing body must appoint a replacement.
   (d) When the citizen member appointed by the School Board is no longer an owner of a business occupying commercial space located within the school district, the School Board must appoint a replacement.

As the BOCC appointed citizen member to the Value Adjustment Board, the undersigned confirms compliance of the Department of Revenue requirements listed above.

ATTESTED:

_____ _____
Applicant Date

(EXCERPT OF DEPARTMENT OF REVENUE RULE 12D-9.004)

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Christine Coble
by telephone at 606-5300 or by e-mail at CobleC@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Pamela Kiser-Burch | Date: 21-Feb-2013

Home Phone: (850) 544-9240 | Work Phone: (850)539-2542X102 | Email: pkiserburch@tallbud.com

Occupation: DIRECTOR OF HUMAN RESOUR | Employer: TRI-EAGLE SALES

Preferred mailing location: Work Address
Work Address: 545 RIVER BIRCH ROAD

City/State/Zip: MIDWAY FL 32343

Home Address 4652 PIMLICO DRIVE

City/State/Zip: TALLAHASSEE FL 32309

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 40.00years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference
1st Choice: Value Adjustment Board 2nd Choice:

What cultural arts organization do you represent, if any?
NONE

If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please note those areas in which you are interested:

If you are appointed to a Committee, you are expected to attend regular meetings.
How many days permonth would you be willing to commit for Committee work? 4 or more
And for how many months would you be willing to commit that amount of time? 6 or more
What time of day would be best for you to attend Committee meetings? Day

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian Sex: Female Age: 41
Disabled? No District:

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

PLEASE SEE ATTACHED BIO

References (you must provide at least one personal reference who is not a family member):

Name: SUSIE BUSCH TRANSOU Telephone: (850) 539-2539
Address: 545 RIVER BIRCH ROAD, MIDWAY, FLORIDA 32343

Name: KEN STEVENSON Telephone: (850) 878-2121
Address: EARL BACON AGENCY, TALLAHASSEE, FLORIDA

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP
AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp BEFORE YOUR APPLICATION IS DEEMED COMPLETE.

Have you completed the Orientation? Yes
Are you willing to complete a financial disclosure form and/or a background check, if applicable? No

Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? No
If yes, from whom?
Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? No

Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? No
If yes, please explain.

Do you or your employer, or your spouse or child or their employers, do business with Leon County? No
If yes, please explain.

Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? No
If yes, please explain.
All statements and information provided in this application are true to the best of my knowledge.

Signature: Pamela Kiser-Burch

This application was electronically sent: 2/21/2013 2:34:33PM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Christine Coble
by telephone at 606-5300 or by e-mail at CobleC@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Gregory Cowan | Date: 22-Mar-2013

Home Phone: (850) 509-7036 | Work Phone: (850)386-2223X | Email: gcowan@flccoc.org

Occupation: SENIOR BUDGET MANAGER | Employer: STATE OF FLORIDA - CLERKS OF COURT OPERATION

Preferred mailing location: Home Address
Work Address: 2560-102 BARRINGTON CIRCLE

City/State/Zip: TALLAHASSEE FL 32308

Home Address 1415 ALSHIRE COURT SOUTH

City/State/Zip: TALLAHASSEE FL 32317

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 17.00years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference
1st Choice: Housing Finance Authority 2nd Choice: Affordable Housing Advisory Committee

What cultural arts organization do you represent, if any?
NONE.

If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please note those areas in which you are interested:
THE COMMITTEE PREFERENCES I HAVE LISTED ABOVE ARE BASED ON CURRENTLY VACANT POSITIONS. HOW

If you are appointed to a Committee, you are expected to attend regular meetings.
How many days permonth would you be willing to commit for Committee work? 4 or more
And for how many months would you be willing to commit that amount of time? 6 or more
What time of day would be best for you to attend Committee meetings? Day, Night

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian Sex: Male Age: 47
Disabled? No District: District 5

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

I HAVE ATTACHED MY DETAILED CURRICULUM VITAE. FOR A FULL LIST OF MY EXPERIENCE, BACKGROUND, AND COMMUNITY INVOLVEMENT, PLEASE SEE MY CURRICULUM VITAE.

References (you must provide at least one personal reference who is not a family member):

Name: BOB INZER Telephone: 850-577-4005
Address: 301 S. MONROE STREET, TALLAHASSEE, FL 32301

Name: Telephone:
Address:

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If yes, from whom?
Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? No

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If yes, please explain.

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If yes, please explain.

Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? No
If yes, please explain.
All statements and information provided in this application are true to the best of my knowledge.

Signature: Gregory J. Cowan

This application was electronically sent: 3/22/2013 2:02:50PM

Leon County
Board of County Commissioners

Notes for Agenda Item #18

TRANSMITTAL PUBLIC HEARING MATERIALS

CYCLE 2013-1
COMPREHENSIVE PLAN AMENDMENTS

Leon County
Board of County Commissioners
And
The City of Tallahassee City Commission

Tuesday, April 9, 2013, 6:00 PM
County Commission Chambers

MEMORANDUM

TO: Members of the County and City Commissions

FROM: Brian Wiebler, Principal Planner

DATE: March 27, 2013

SUBJECT: Materials for April 9, 2013 Transmittal Public Hearing

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The Joint City-County Transmittal Public Hearing on the 2013-1 Comprehensive Plan amendments is scheduled for Tuesday, April 9th at 6:00 PM in the County Commission Chambers. The purpose of this public hearing is to receive public testimony, discuss the amendments, and vote on those to be forwarded to the state for their review prior to adoption. The full schedule of meetings from the 2013-1 cycle is included below.

This electronic version of the agenda and materials includes the agenda, all updated materials, and public comments received through March 26, 2013.

Attached for your consideration are:

- Workshop Agenda (Attachment #1)
- Summary Chart of Recommendations (Attachment #2)
- Staff Reports for each amendment (Attachment #3 through #14)
- Public Comments (Attachment #15)

Full 2013-1 Amendment Schedule:

Application Deadline	October 1, 2012
First Public Open House	November 7, 2012
Local Planning Agency Workshop	January 17, 2013
Second Public Open House	January 17, 2013
Local Planning Agency Public Hearing	February 5, 2013
City Commission Workshop	February 6, 2013
County Commission Workshop	February 12, 2013
Joint City-County Commission Workshop (Canceled)	February 26, 2013
Joint City-County Transmittal Public Hearing	April 9, 2013
Joint City County Adoption Public Hearing	May 28, 2013

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

Transmittal Public Hearing Agenda
April 9, 2013

BOARD OF COUNTY COMMISSIONRERS
AND
CITY OF TALLAHASSEE CITY COMMISSION
2013-1 TRANSMITTAL PUBLIC HEARING
APRIL 9, 2013 6:00 PM
County Commission Chambers

A. Introductory Comments by Staff

B. Discussion Items

- None- The County and City Commissions have both voted to tentatively support approval of all proposed amendments in the 2013-1 amendment cycle.

C. Consent Agenda

- Staff Recommendation is to approve transmittal of the 2013-1 amendments to the State Department of Economic Opportunity for review.
- All amendments listed below received a tentative vote of support by the City Commission on February 6, 2013 and the Board of County Commissioners on February 12, 2013.

Monday Road near Capital Circle Southeast- *(PCM130101)*
Applicant: *City of Tallahassee* **Owner:** *Melvin and Marcus Payne*
Request: "High Intensity Urban Activity Center" to "Urban Residential -2" for a one acre parcel located north of Monday Road near Capital Circle Southeast. City staff initiated the amendment following issuance of a Land Use Compliance Certificate to construct two single-family residences on the parcel. The amendment allows the owner to move forward with the subdivision and construction of the homes as represented in the Land Use Compliance Certificate.
Preliminary Staff Recommendation: Approve

West Brevard Street- *(PCM130102)*
Applicant and Owner: *Lewis Chambers*
Staff: Debra Thomas
Request: "Residential Preservation" to "Central Urban" on lots totaling 1.15 acres located immediately north of West Brevard Street, between Dade Street and Dean Street. The site includes the existing Blue Collar Restaurant, a use which is non-conforming under the current Residential Preservation category. The requested change would provide relief from the current status as non-conforming and allow the applicant to expand the use.
Preliminary Staff Recommendation: Approve

Truett Drive and Bradford Road- *(PCM130103)*
WITHDRAWN BY APPLICANT

Timberlane Road near Market District- *(PCM130104)*
Applicant and Owner: *Dr. Darrh Bryant*
Request: "Lake Protection" to "Suburban" on one parcel (approximately 0.5 acre) located at 1234 Timberlane Road. This parcel is presently developed for office use. The existing Lake Protection category does not permit non-residential uses inside the City Limits. The requested Suburban category would provide relief from the current status as non-conforming and allow the applicant to utilize the property as a dental office. Staff is also recommending the surrounding office buildings be included in the amendment (34 properties on about 10 acres).
Preliminary Staff Recommendation: Approve the amendment as expanded to include 34 properties and 9.9 acres

<u>Woodville Rural Community Expansion-*(PCM130105)*</u>
Applicant and Owner: *Disc Village*
Request: "Rural" to "Woodville Rural Community" on three adjoining parcels (totaling approximately 98 acres) located on the south side of Natural Bridge Road, approximately one mile east of Woodville Highway. These parcels are presently developed as a non-profit community-based therapeutic community. The requested Woodville Rural Community category would allow an expansion of facilities and programs oriented towards senior citizens.
Preliminary Staff Recommendation: Approve proposed amendment PCM130105 subject to approval of a Planned Unit Development that:

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

<u>Jackson Bluff Road and Ausley Street-*(PCM130106)*</u>
Applicant: *Carolyn Bibler*
Owners: *Jackson Bluff Properties LLC, Landmark Apartments LLC, Stadium Place of Tallahassee LLC, Greenbriar Partners LLC*
Request: "Urban Residential-2" to "University Transition" for four parcels totaling 16.42 acres located near Jackson Bluff and Ausley Road. The applicant would like to redevelop this node at Jackson Bluff and Ausley Road with small scale commercial intermixed with higher density housing to support it. The neighborhood scale commercial development would also serve the existing residential neighborhoods in the area.
Preliminary Staff Recommendation: Approve

<u>9th Avenue and Thomasville Road- *(PCM130107)*</u>
Applicant: *City of Tallahassee* **Owner:** *Marshall Cassedy Jr.*
Request: "Residential Preservation" to "Neighborhood Boundary" on two adjoining parcels and a portion of a third adjoining parcel (totaling approximately 0.4 acre) located on the east side of Thomasville Road between 8th and 9th Avenues. The area is presently developed and used for a hair salon and related parking. This amendment implements recommendations in a settlement agreement reached on September 7, 2012 between Marshall Cassedy, the City, and participating neighbors.
Preliminary Staff Recommendation: Approve

<u>Fred George and Old Bainbridge Road –</u><u>(PCM130108)</u>
Applicant: *City of Tallahassee* **Owner:** *Andrews Enterprises Inc. (Jack Buford, Agent)*
Request: "Residential Preservation" to "Suburban" for an approximately one-acre parcel located on the southwest corner of Fred George Road and Old Bainbridge Road. This property presently contains a 1,973 square-foot convenience store built in 1987 in accordance with the former Huntington Woods Development of Regional Impact (DRI) development order. On June 23, 2010, the City Commission rescinded the Huntington Woods DRI development order and the existing convenience store use of the property became a non-conforming use.
Preliminary Staff Recommendation: Approve

<u>Text- Steep Grade Policy Inside Urban Service Area-*(PCT130109)*</u>
Applicant: *Board of County Commissioners*
Request: Amend the Conservation element to remove Comprehensive Plan requirements for the protection of significant and severe grades inside the Urban Service Area. No change is proposed outside of the Urban Service Area. This amendment implements direction provided by the Board of County Commissioners on May 8, 2012 as part of the review conducted for the Countywide Minimum Environmental Standards project.
Preliminary Staff Recommendation: Approve

Text- Updating Environmental Definitions-*(PCT130110)*

Applicant: *Planning Department*

Request: Amend the Glossary of the Comprehensive Plan to update environmental definitions that were recently amended in the City and County Code as part of the Countywide Minimum Environmental Standards project. These changes will avoid confusion between the definitions included in the City and County Code and the definitions in the Comprehensive Plan.

Preliminary Staff Recommendation: Approve

Text- Cleanup of Policies 1.1.10 [M] and 2.1.8 [LU]-*(PCT130111)*

Applicant: *Planning Department*

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

Preliminary Staff Recommendation: Approve

Text- Addition of Paul Russell Road Extension to Future Right of Way Needs Map- ***(PCT130112)***

Applicant: *Planning Department*

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

Preliminary Staff Recommendation: Approve

Text- Welaunee Plantation Access from Thornton Road- ***(PCT130113)***

Applicant: *City of Tallahassee Commission*

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

Preliminary Staff Recommendation: Approve Amendment Request PCT130113 with an effective date tied to approval of the Thornton Road Land Exchange by the State of Florida.

D. 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.)."

Summary Chart of Recommendations

MATRIX FOR CYCLE 2013-1

A = Approve
D = Denial
AM = Approve as Modified

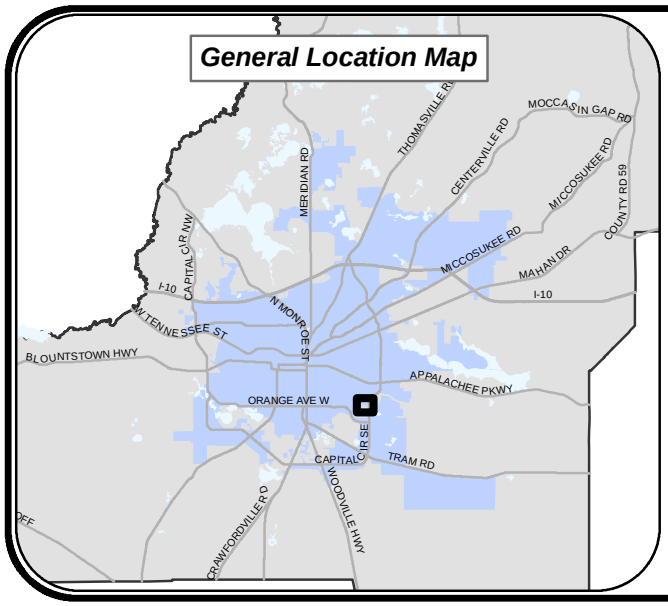
Item #	*Amendment To:*	*Nature of Proposed Amendment*	*Planning Staff Recommendation*	*Water Resources Committee Recommendation*	*LPA Recommendation*	*City Commission Position*	*Board of County Commissioners Position*
PCM130101	FUTURE LAND USE MAP **Monday Road near Capital Circle Southeast**	From: High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

MATRIX FOR CYCLE 2013-1

A = Approve
D = Denial
AM = Approve as Modified

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

Staff Reports



Monday Road near Capital Circle Southeast PCM130101

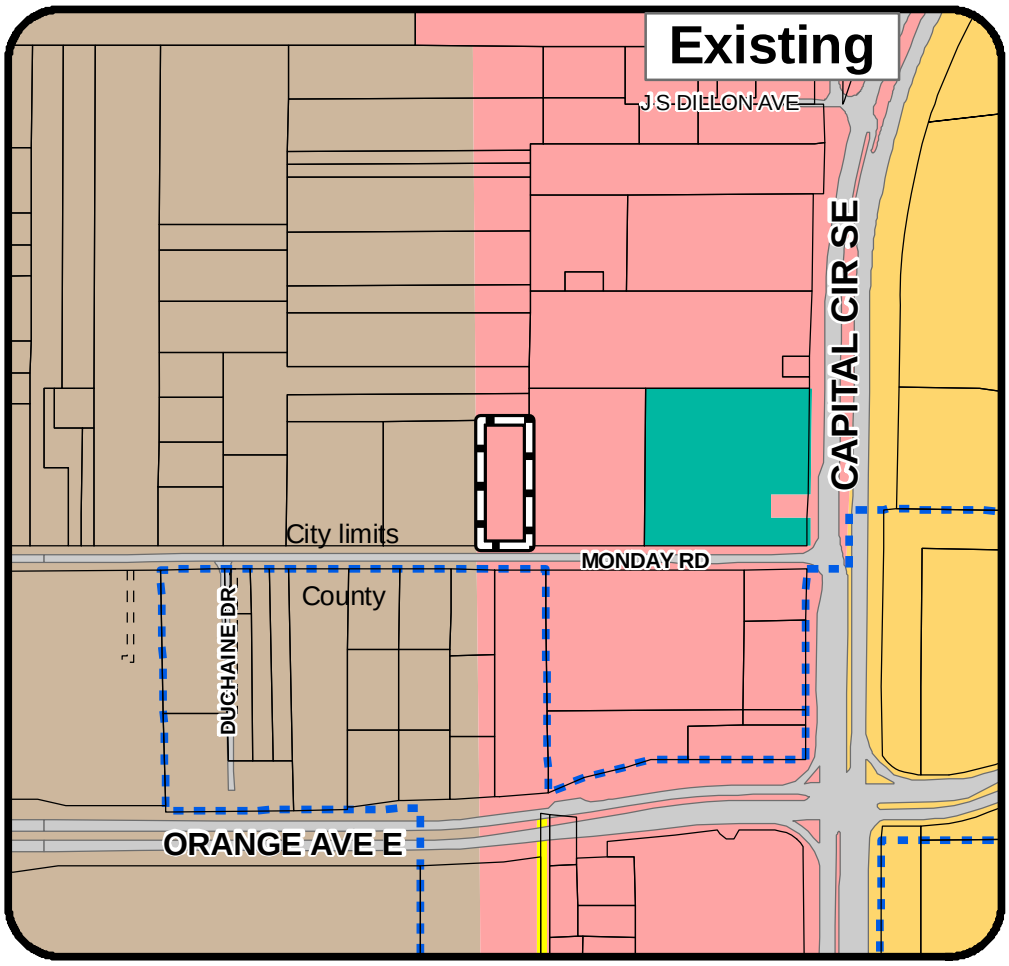
City Of Tallahassee

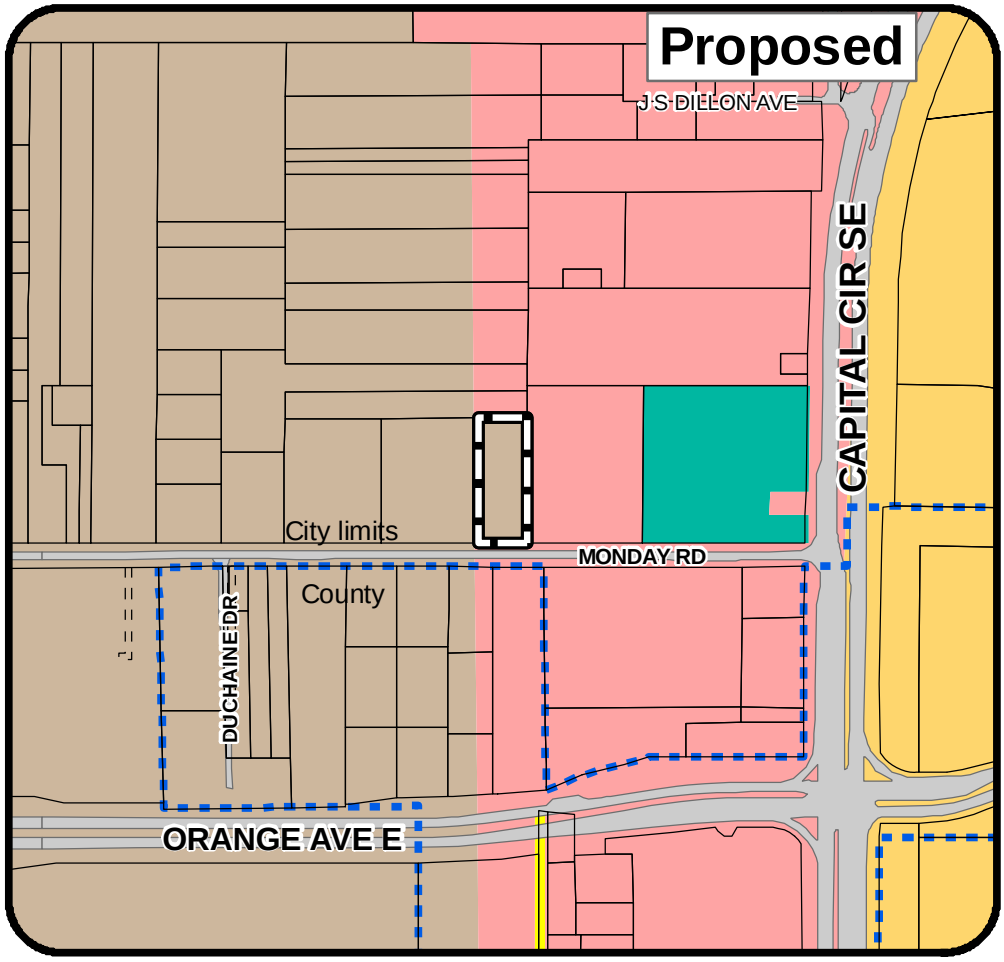
SITE TAX ID:
31-09-20-261-0000

ACRES: 1 ±

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

N W E S





Future Land Use

Legend

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

- Subject Parcel
- City Limits

Monday Road near Capital Circle Southeast
PCM130101

City Of Tallahassee

Existing

Activity Center

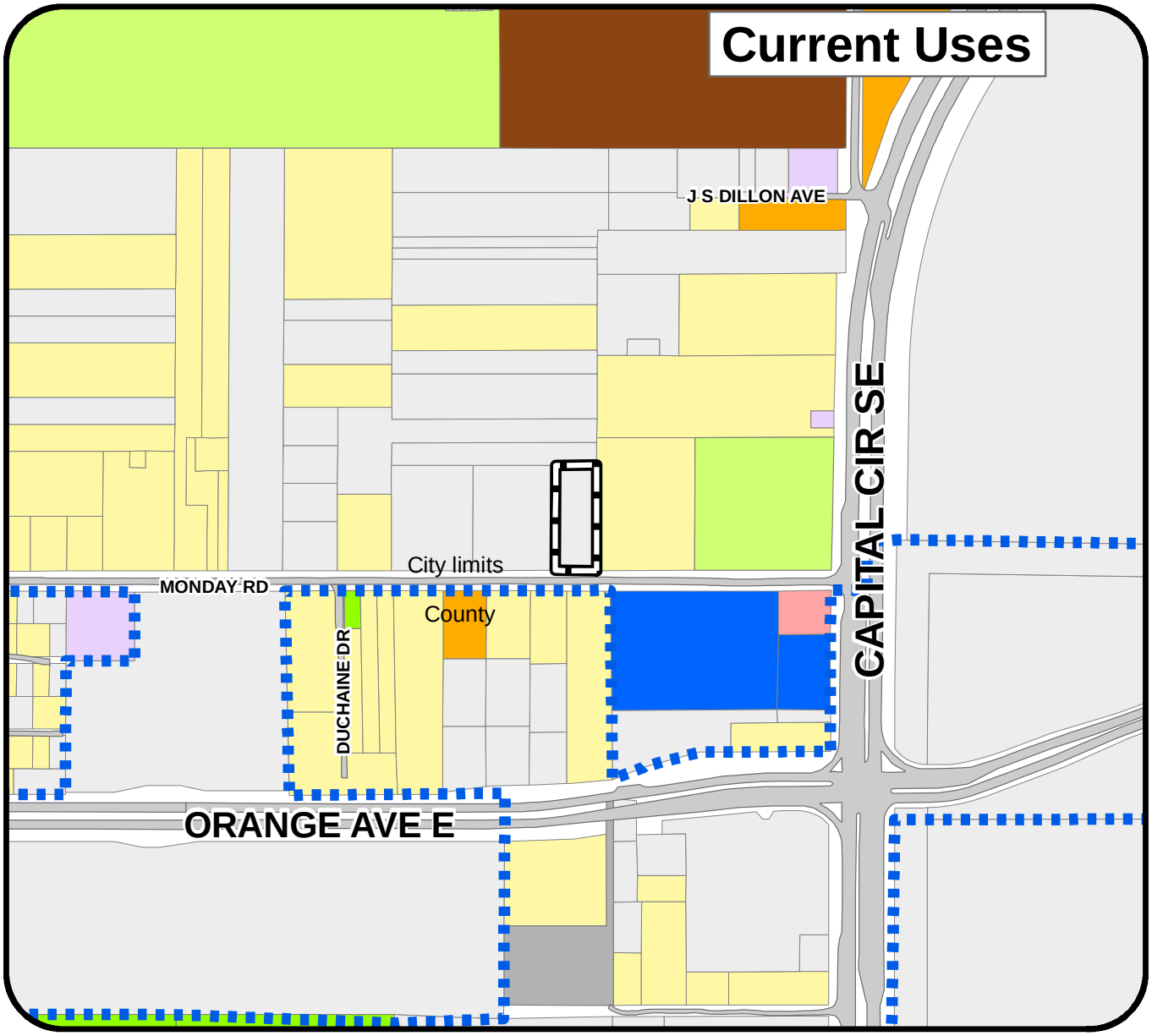
Proposed

Urban Residential-2

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

ACRES: 1 ±

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



Legend

City Limits

Subject Parcel

Current Uses (Oct. 2012)

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

Monday Road near Capital Circle Southeast
PCM130101

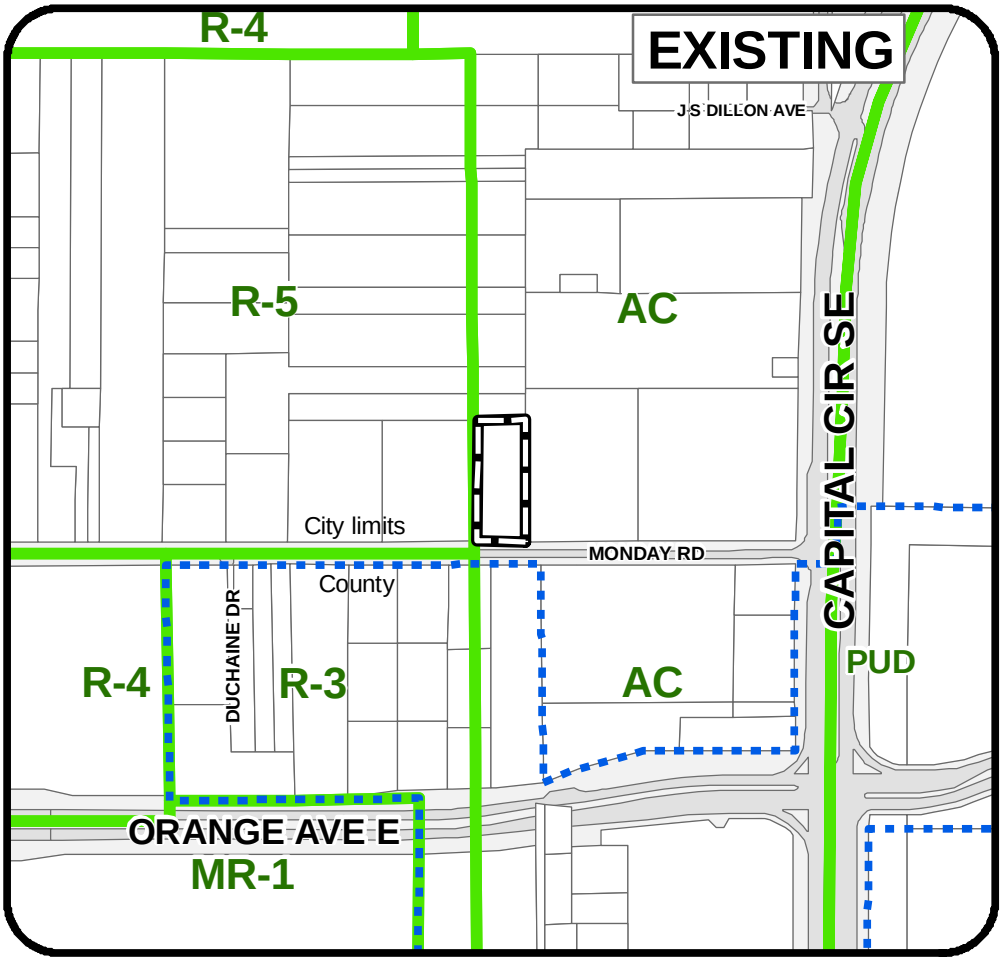
City Of Tallahassee

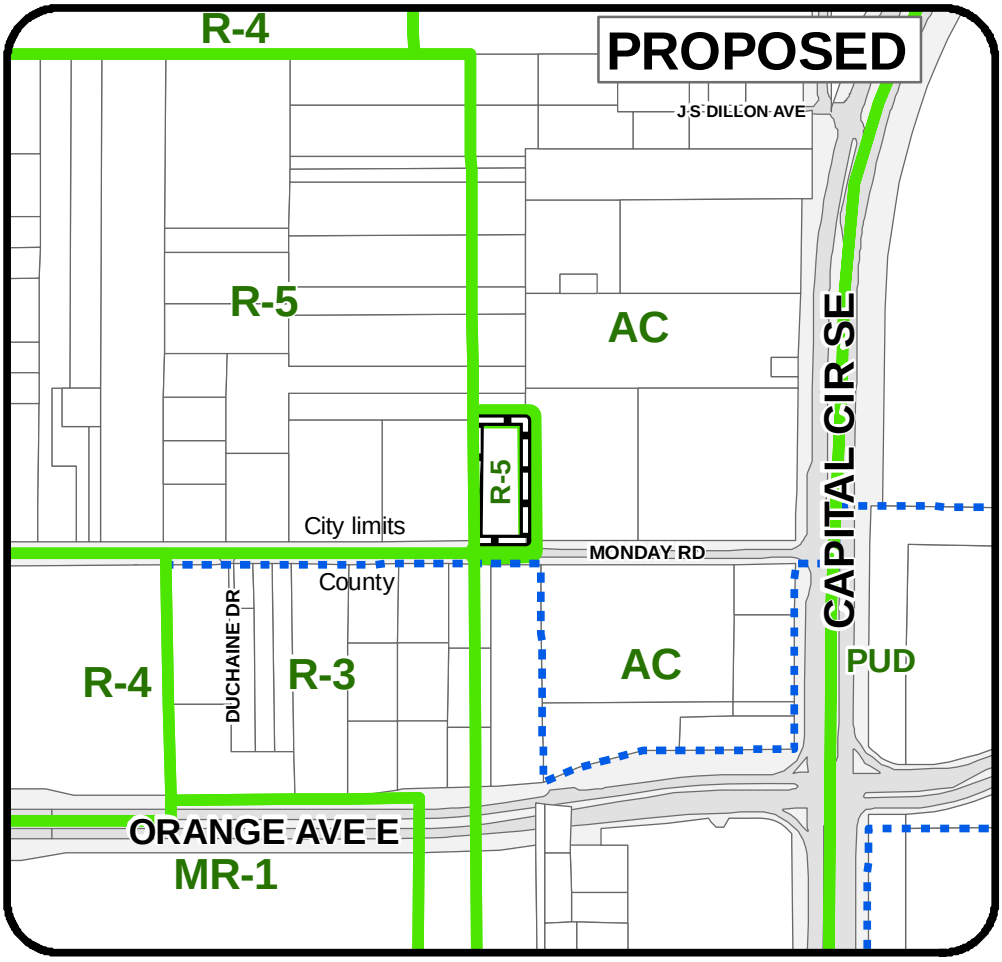
SITE TAX ID:
31-09-20-261-0000

ACRES: 1 ±

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

N W E S





ZONING

Legend

Subject Parcel

zoning

City Limits

Monday Road near Capital Circle Southeast
PCM130101

City Of Tallahassee

Existing

Activity Center

Proposed

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

N W E S

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

ACRES: 1 ±

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

MAP AMENDMENT #: PCM130101

APPLICANT: City of Tallahassee Growth Management Department

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

CITY __X__ COUNTY __

CURRENT DESIGNATION: High Intensity Urban Activity Center (AC)

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

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM130101

A. SUMMARY:

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

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

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

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

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

C. APPLICANT'S REASON FOR THE AMENDMENT:

The application gives the following basis for the proposed change:

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

D. STAFF ANALYSIS:

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

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

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

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

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

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

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

3. Transportation:

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

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

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

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

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

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

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

5. Optional Sustainable Development Survey

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

F. VESTED / EXEMPT STATUS:

The subject site is not vested or exempt.

G. CONCLUSION:

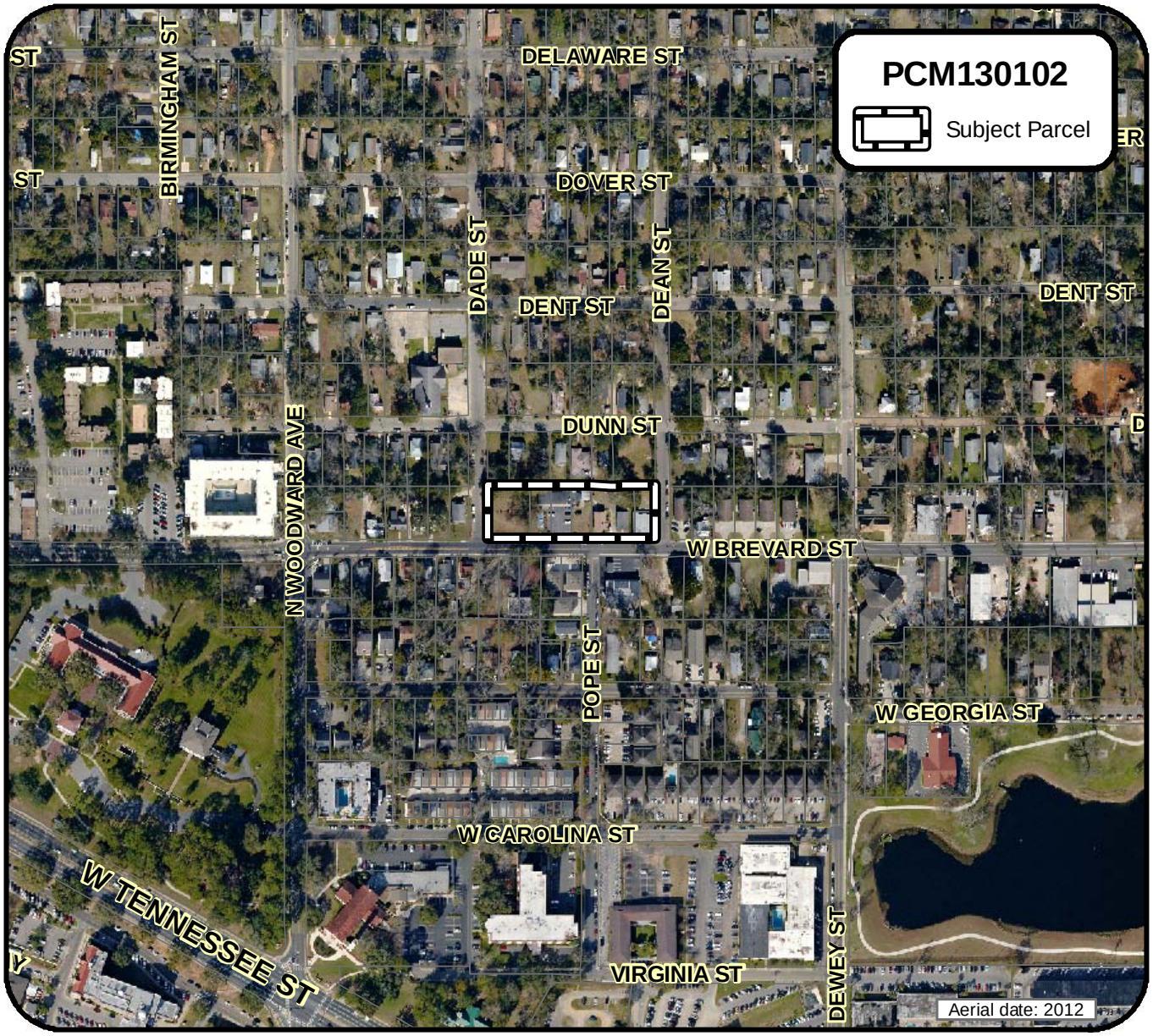
Based on the above data and analysis, staff concludes the following:

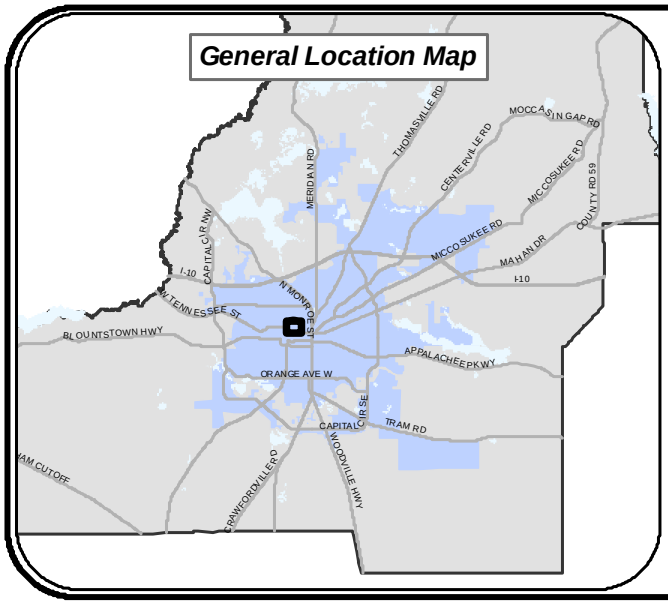
1. The proposed Urban Residential -2 land use category is consistent with the predominant development pattern in the vicinity of the subject site. The subject site and the surrounding area are developed with low density residential development.

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

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

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





West Brevard Street
PCM130102

Louis Chambers

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

ACRES: 1.16 ±

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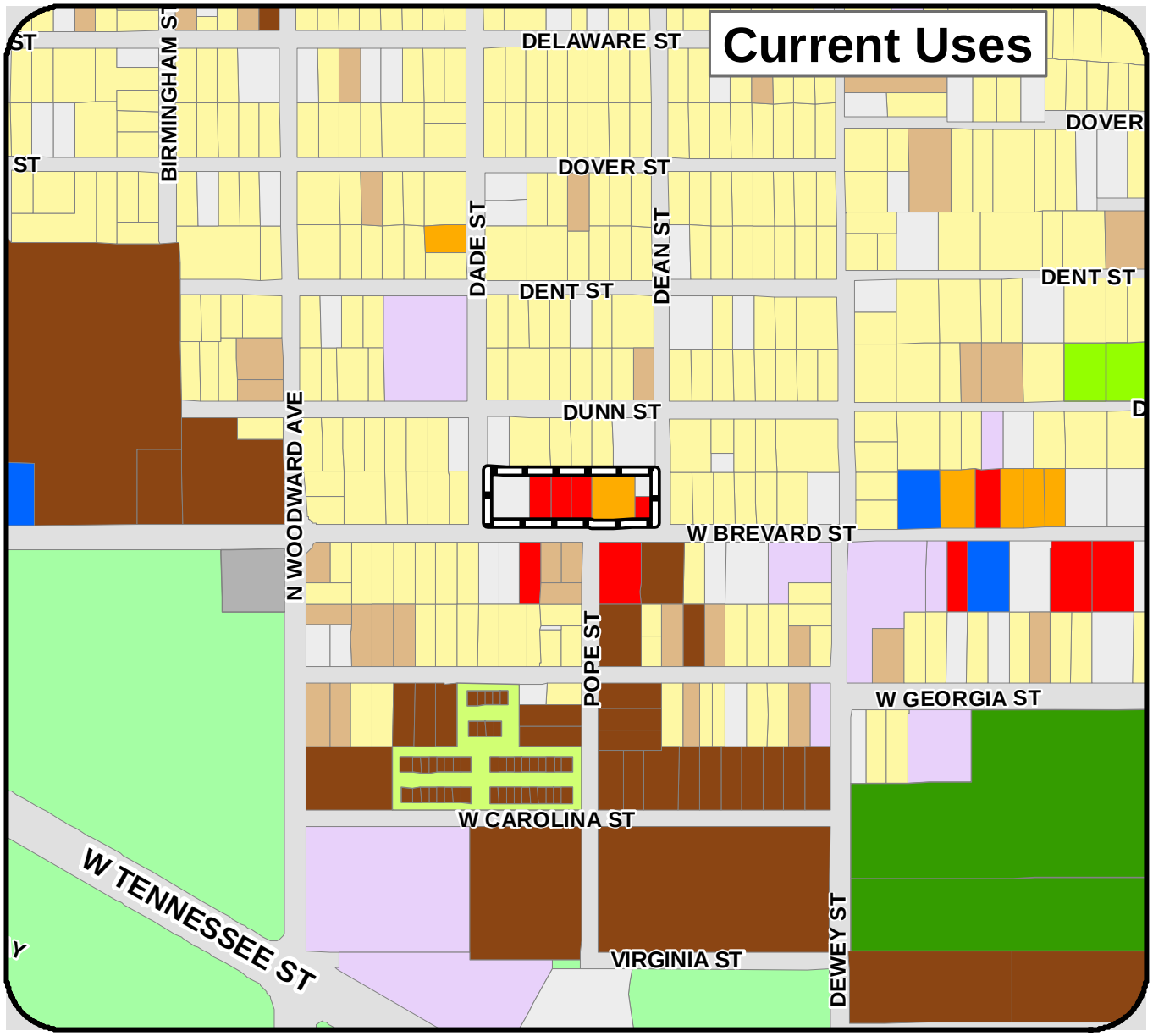
TALLAHASSEE LEON COUNTY PLANNING DEPARTMENT



Legend

Subject Parcel

Current Uses (Oct. 2012)

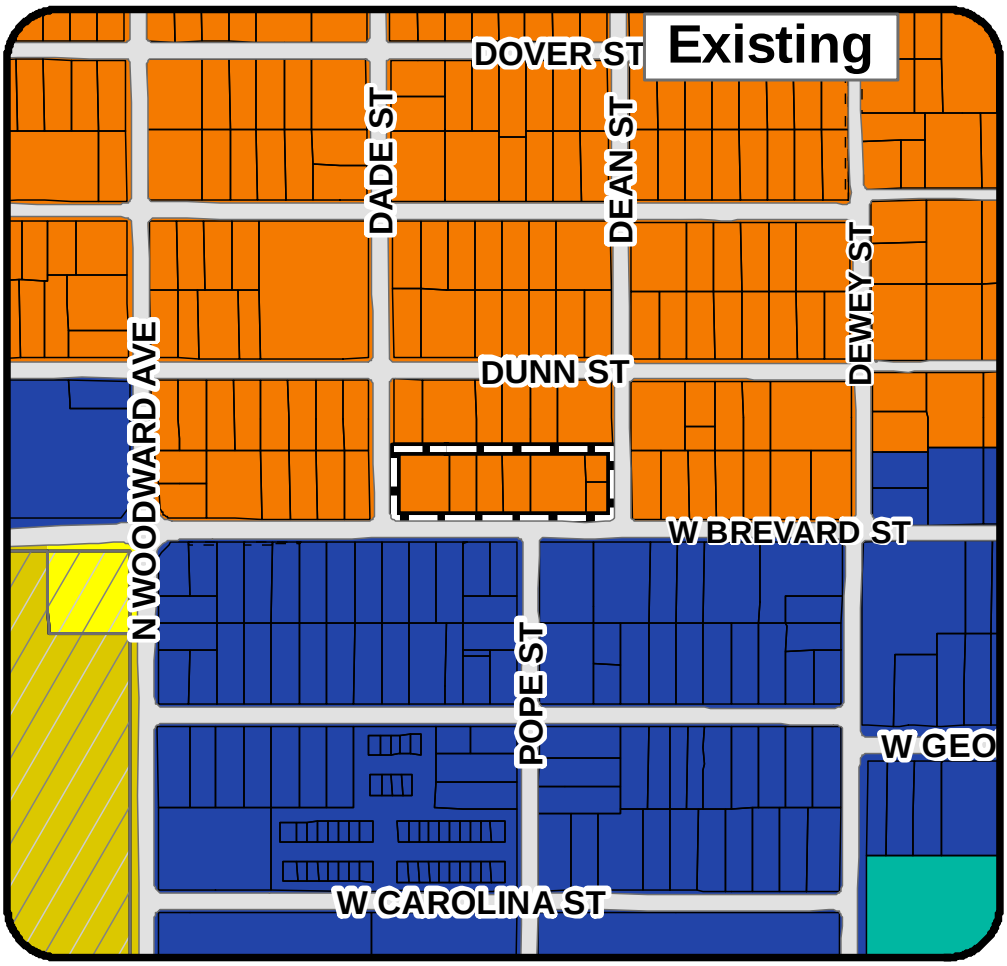
- Single Family Detached/Mobile Home
- Two-Family Dwelling
- Multi-Family
- Retail
- Office
- Warehouse
- School
- Open Space Common Areas
- Open Space Resource Protection
- Open Space Recreation/Parks
- Religious/Non-profit
- Transportation/Communications/Utilities
- Vacant

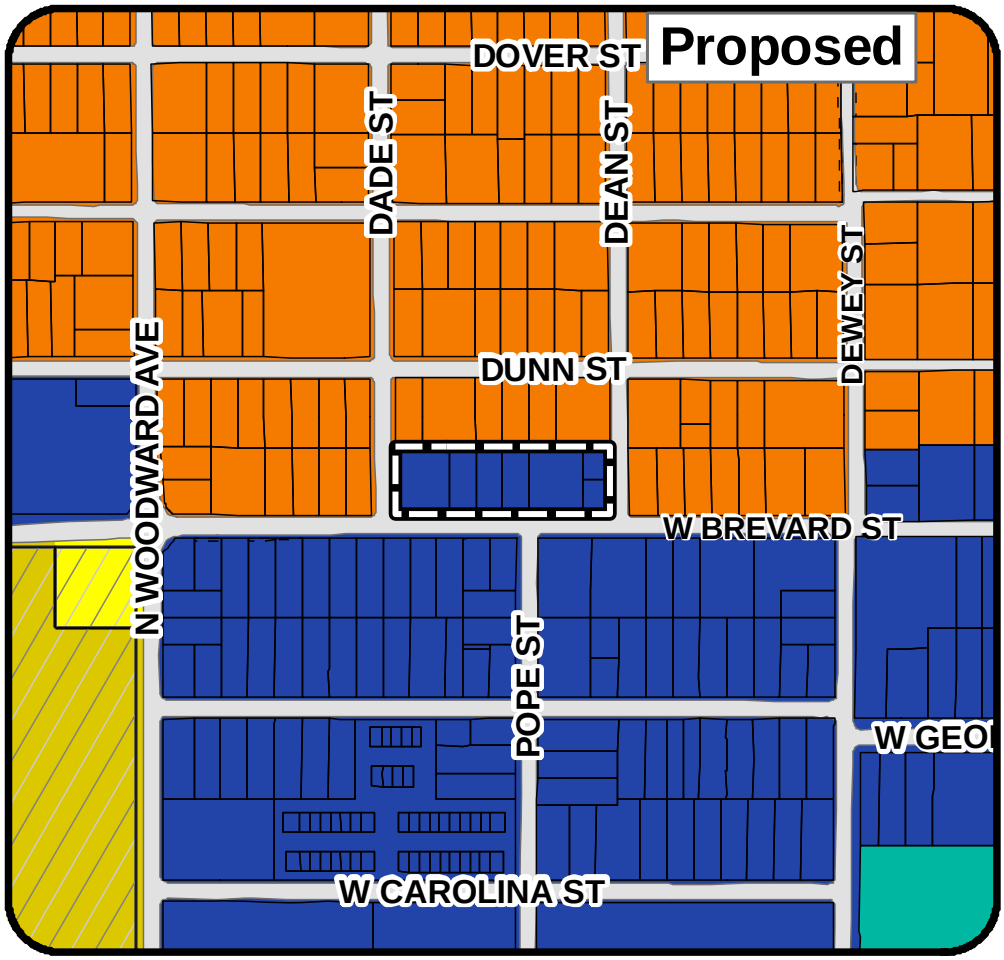
West Brevard Street
PCM130102
Louis Chambers

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

ACRES: 1.16 ±

TOLLA ASSEFF-LION COUNTY PLANNING DEPARTMENT





Future Land Use

Legend

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

West Brevard Street
PCM130102
Louis Chambers

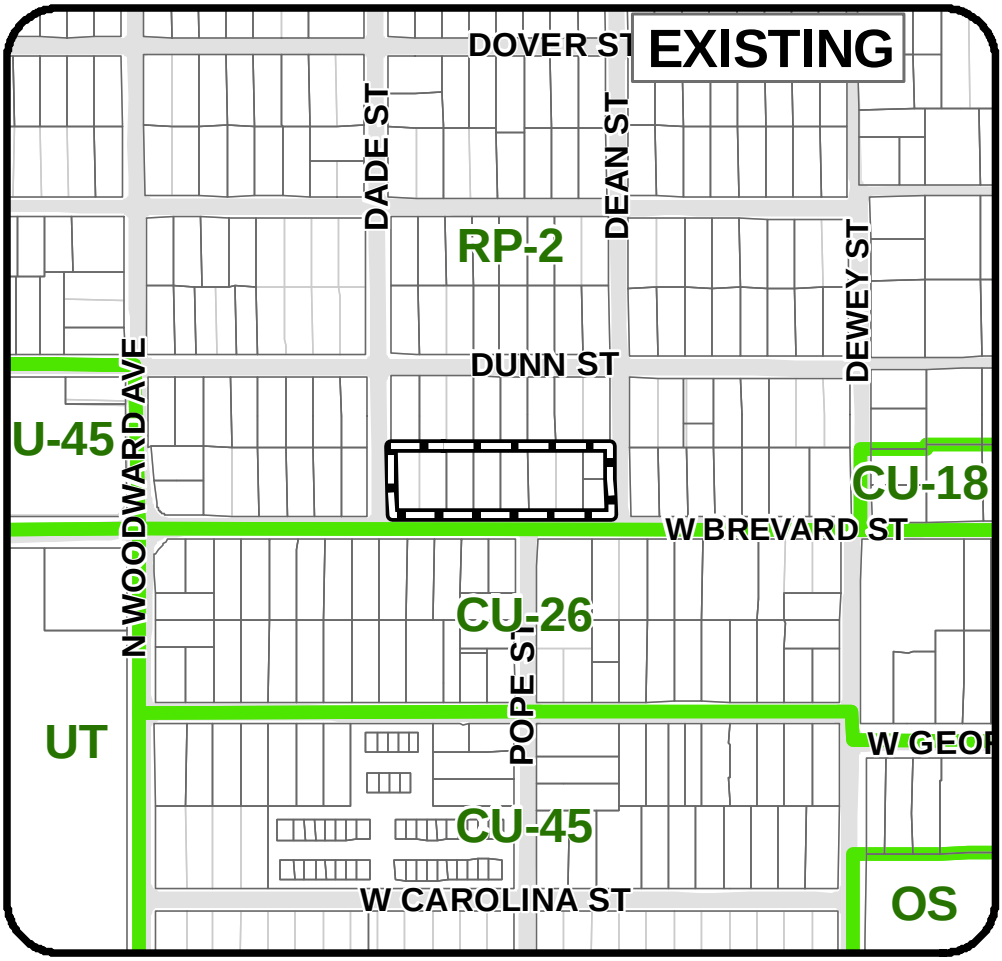
Existing
Residential Preservation

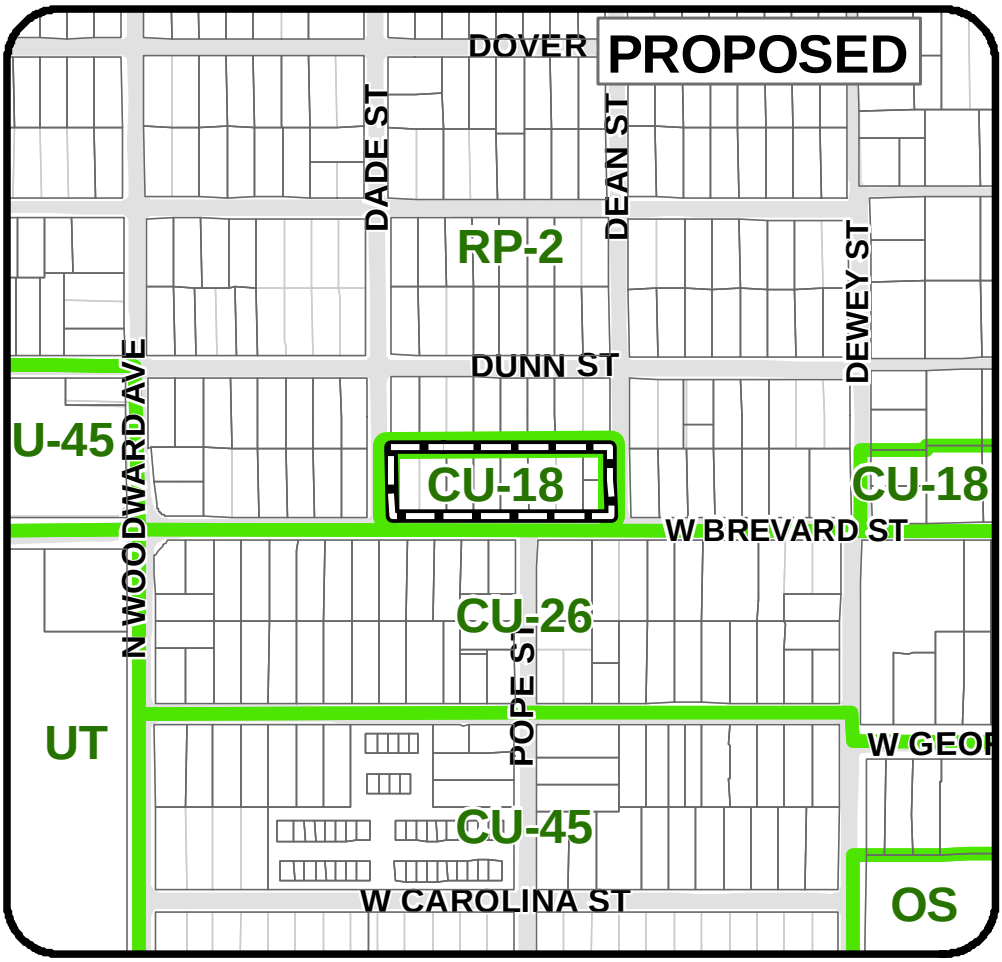
Proposed
Central Urban

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

ACRES: 1.16 ±

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





ZONING

Legend

Subject Parcel

zoning

West Brevard Street
PCM130102
Louis Chambers

Existing

RP-2
(Residential Preservation)

Proposed

CU-18
(Central Urban)

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

ACRES: 1.16±

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

MAP AMENDMENT #: PCM130102

APPLICANT: Louis Chambers

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

CITY __X__ COUNTY __

CURRENT DESIGNATION: Residential Preservation (RP)

REQUESTED DESIGNATION: Central Urban (CU)

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM 130102

A. SUMMARY:

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

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

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

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

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

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

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

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

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

C. APPLICANT'S REASON FOR THE AMENDMENT:

The application gives the following basis for the proposed change:

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

D. STAFF ANALYSIS:

Location and Land Use

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

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

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

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

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

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

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

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

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

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

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

Major Planning Issues Analysis

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

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

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

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

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

3. Transportation:

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

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

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

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

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

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

4. Optional Sustainable Development Survey

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

F. VESTED / EXEMPT STATUS:

The subject properties are not vested or exempt.

G. CONCLUSION:

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

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

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

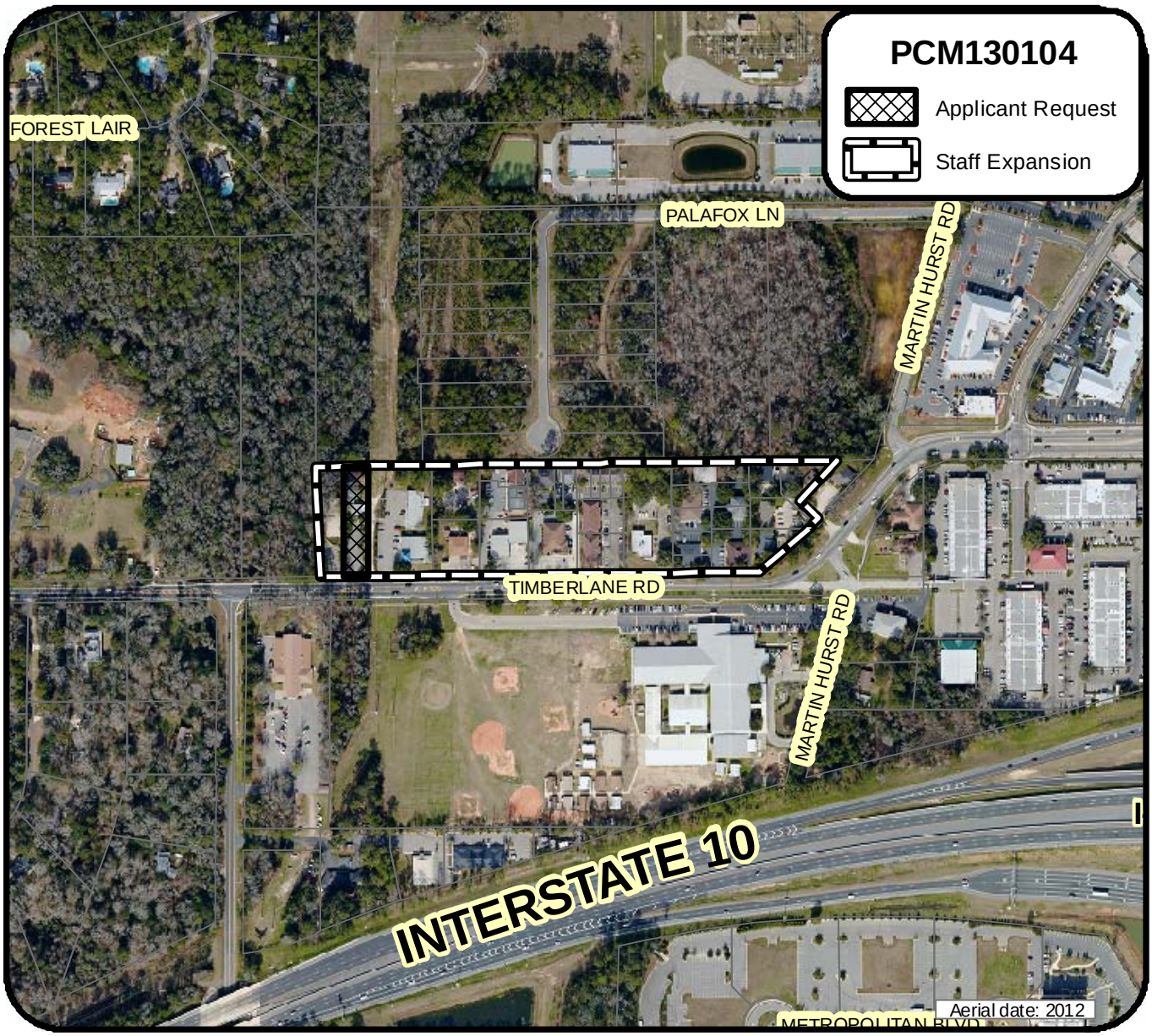
3. The proposed amendment eliminates a legal nonconforming land use created at the adoption of the Comprehensive Plan which further and supports the intent of Land Use Objective 1.5.

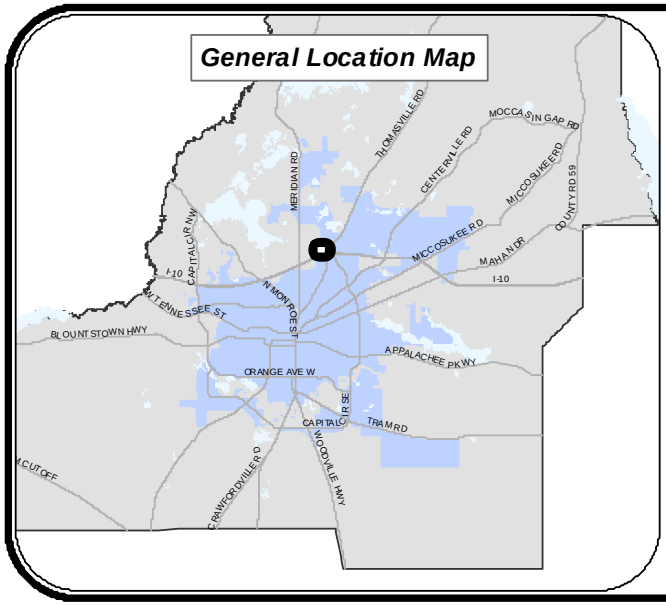
4. Approval of the amendment would support and further recommendations from the Frenchtown Revitalization Plan which direct commercial areas along West Brevard Street to provide walkability to goods and services for the Frenchtown/Springfield community.

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

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

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





Timberlane Road near Market District PCM130104

Darrh Bryant

MULTIPLE SITE TAX ID's
(See Text)

ACRES: 9.8 ±

PLANNING DEPARTMENT

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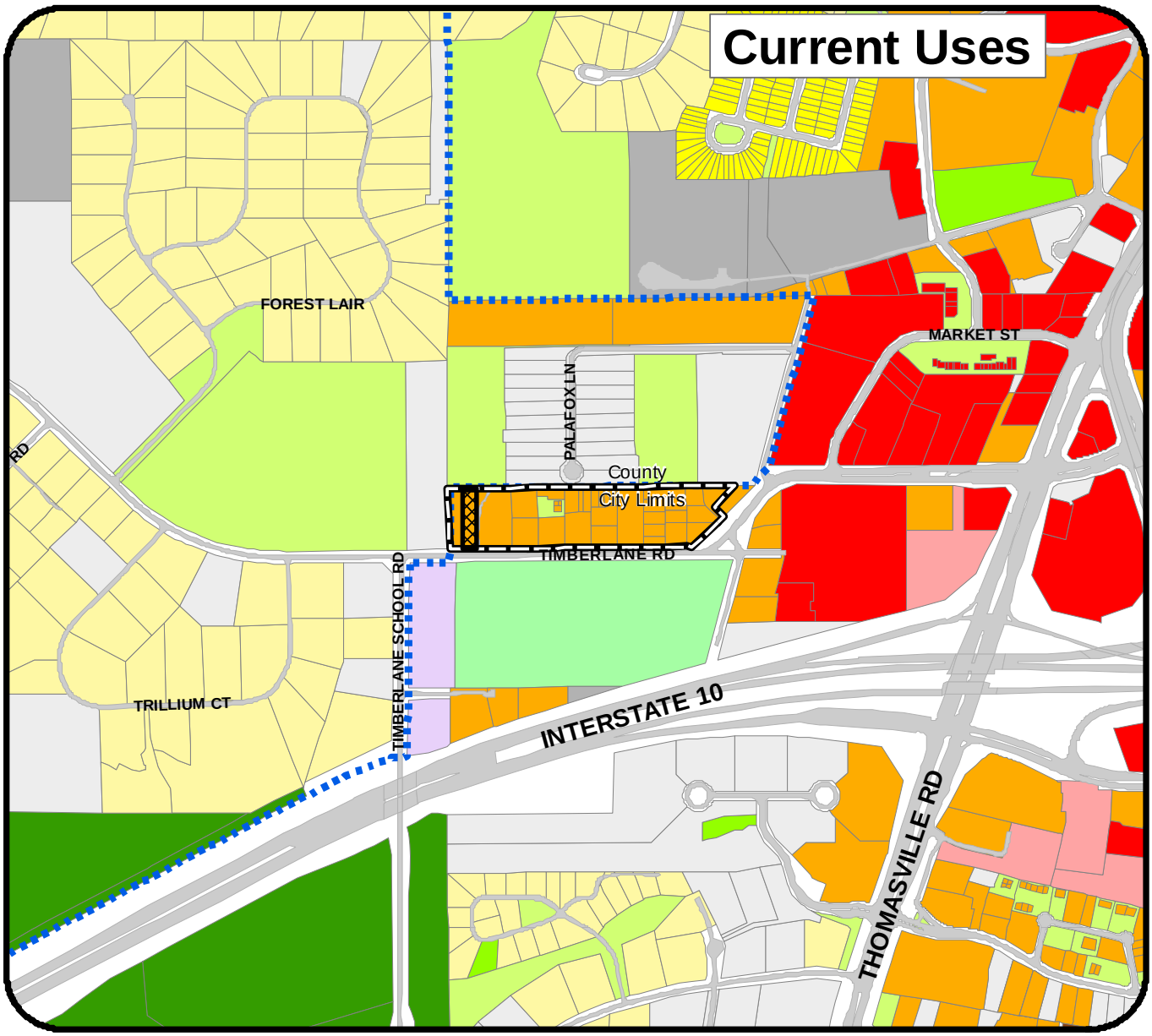


Legend

- Applicant Request
- Staff Expansion
- City Limits

Current Uses (Oct. 2012)

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

Timberlane Road near Market District PCM130104

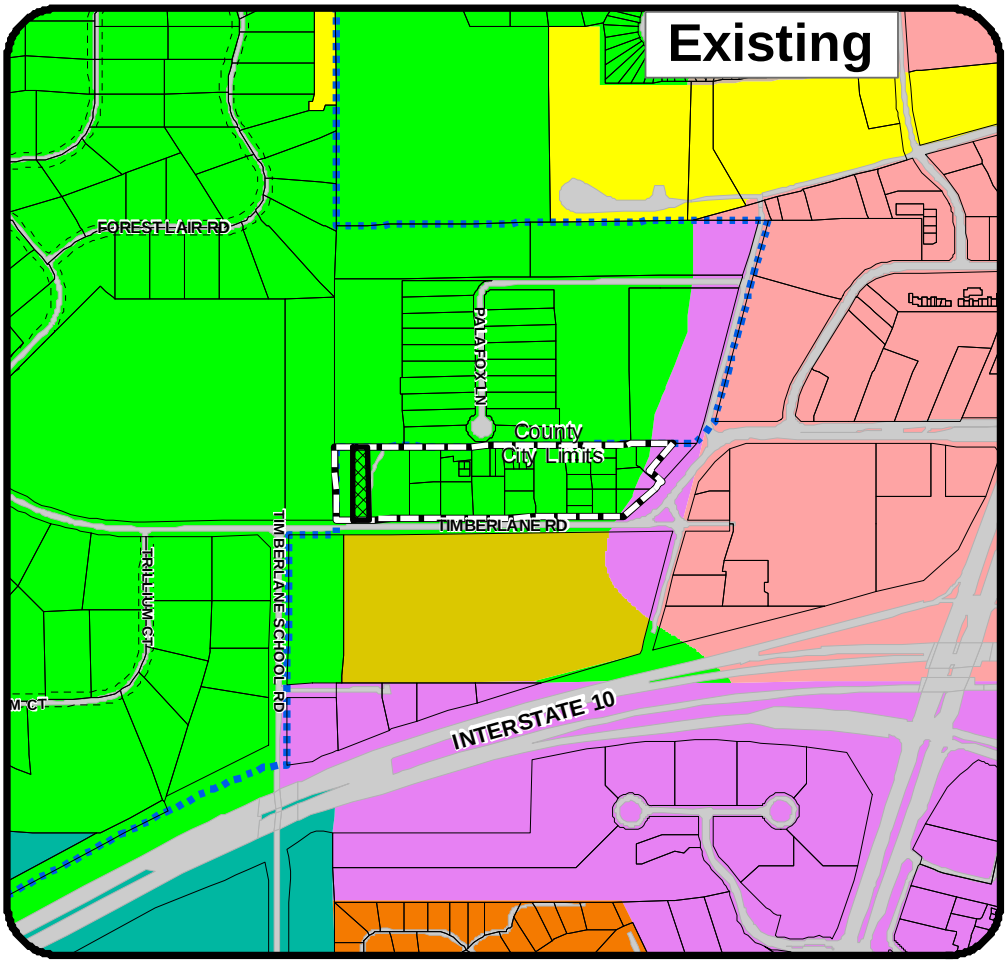
Darrh Bryant

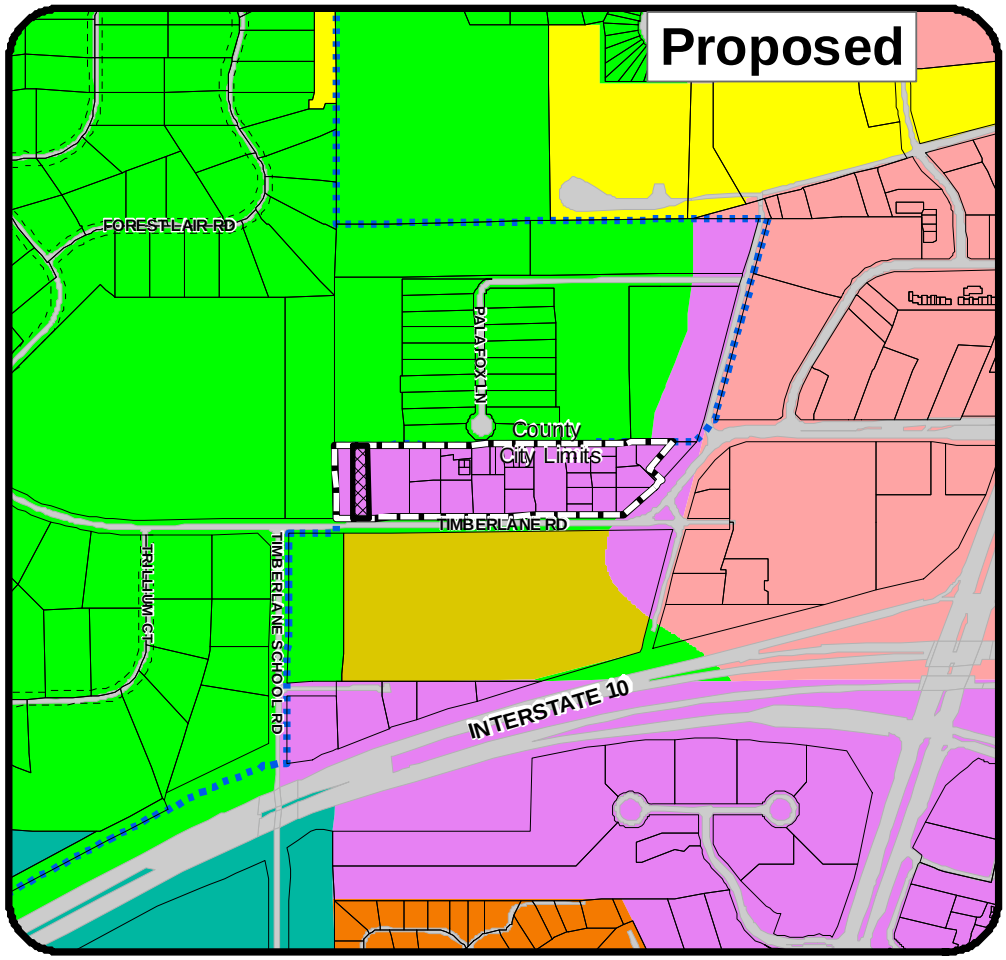
MULTIPLE SITE TAX ID's (See Text)

ACRES: 9.8 ±

PLANNING DEPARTMENT

N W E S





Future Land Use Legend

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

Timberlane Road near Market District PCM130104

Darrh Bryant

Existing

Lake Protection

Proposed

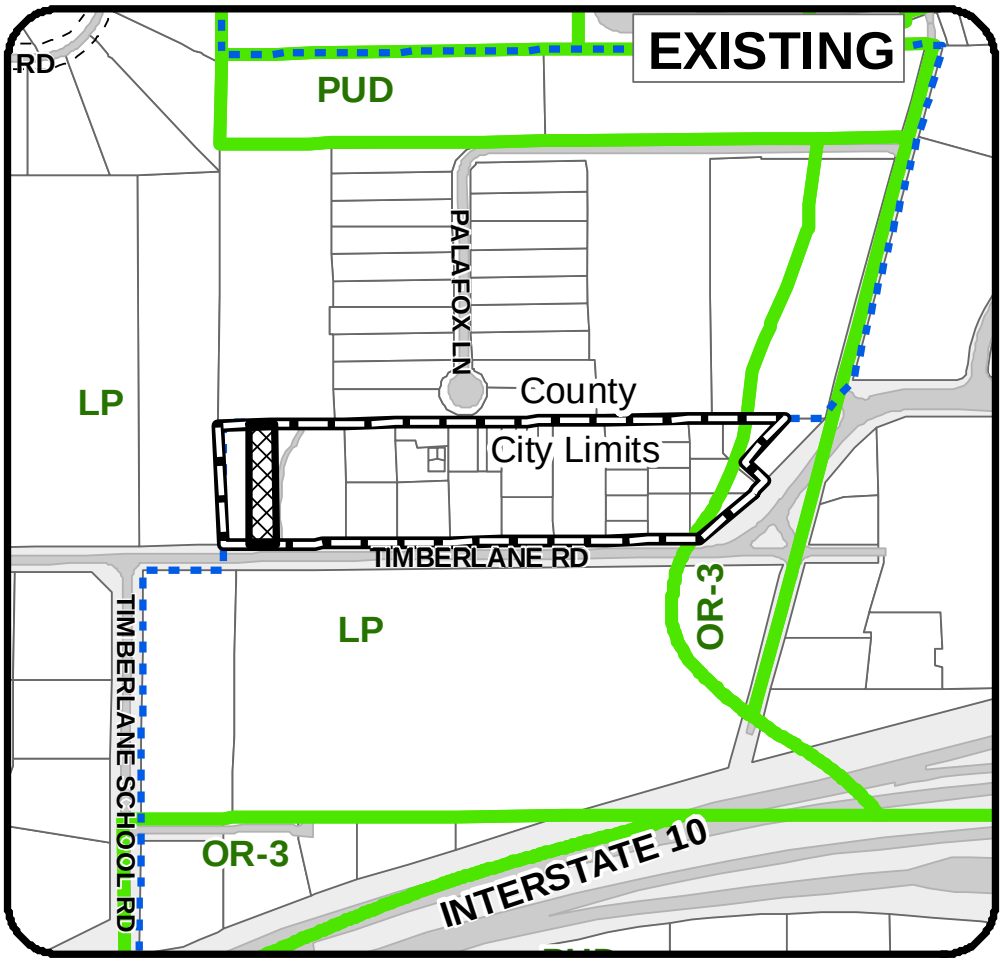
Suburban

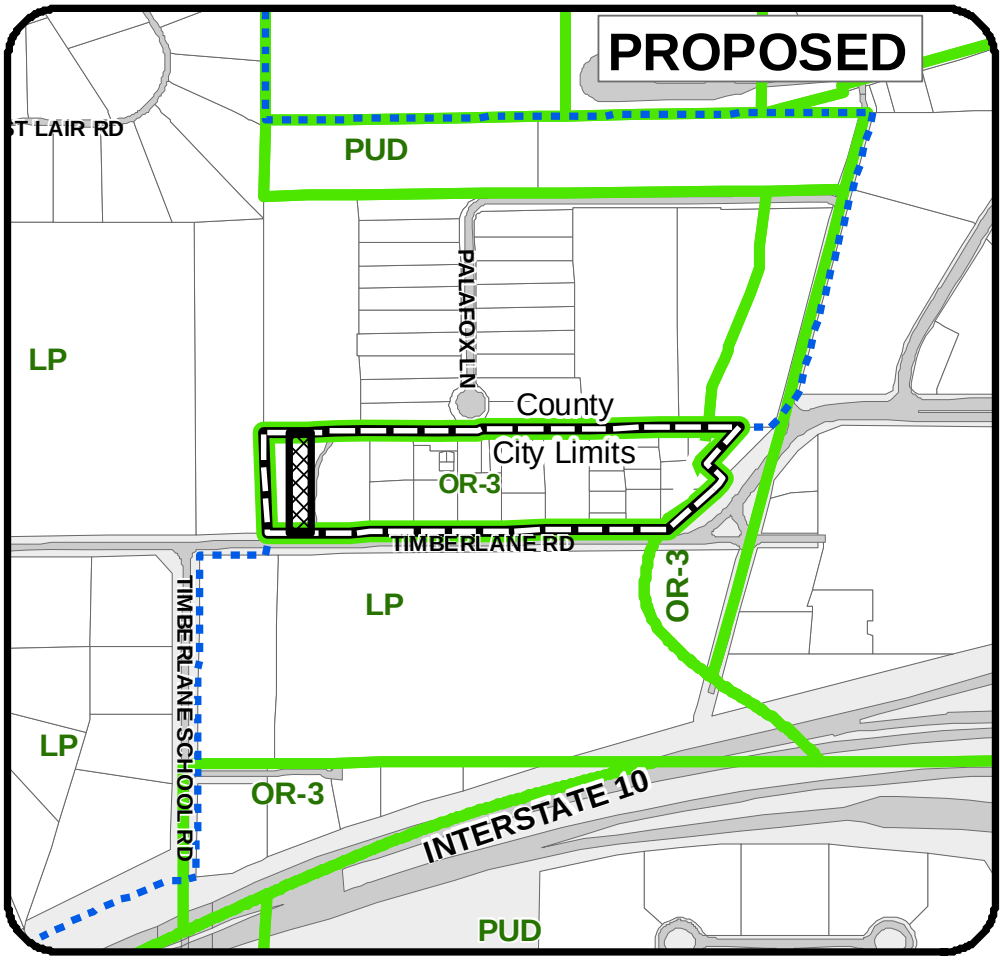
N W E S

MULTIPLE SITE TAX ID's (See Text)

ACRES: 9.8 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT





ZONING

Legend

- Applicant Request
- Staff Expansion
- zoning
- City Limits

Timberlane Road near Market District
PCM130104
Darrh Bryant

Existing

LP
(Lake Protection)

Proposed

OR-2
(Office Residential Medium Density)

MULTIPLE SITE TAX ID's
(See Text)

ACRES: 9.8 ±

TALLAHASSEE LEON COUNTY PLANNING DEPARTMENT

MAP AMENDMENT: PCM130104

APPLICANT: Dr. Darrh Bryant, DMD

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

CITY X COUNTY __

CURRENT DESIGNATION: Lake Protection

REQUESTED DESIGNATION: Suburban

DATE: January 9, 2013

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

A. SUMMARY:

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

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

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

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

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

C. APPLICANT'S REASON FOR THE AMENDMENT:

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

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

D. STAFF ANALYSIS

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

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

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

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

Existing Land Use & Zoning

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

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

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

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

Lake Protection Land Use Category

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

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

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

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

Lake Protection Zoning District

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

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

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

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

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

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

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

Proposed Land Use and Zoning

Suburban Land Use Category

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

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

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

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

Office/Residential - 3 Zoning District

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

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

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

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

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features

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

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

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

2. Water/Sewer

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

3. Other

Roads

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

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

Transit Availability

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

Bicycle/Pedestrian Facilities Availability

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

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

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

4. Schools

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

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

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

5. 5-Year Capital Improvements Projects

None.

F. VESTED / EXEMPT STATUS:

Not applicable.

G. PLANNING ISSUES

Protection of Lake Jackson

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

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

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

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

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

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

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

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

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

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

Regional Stormwater Treatment

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

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

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

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

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

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

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

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

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

Comprehensive Plan Policies

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

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

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

Transportation

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

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

Local Government Priorities

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

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

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

H. CONCLUSION:

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

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

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

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

I. ATTACHMENTS:

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

PCM130104 Subject Property Tax Identification Numbers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

M. DARRH BRYANT, DMD, P.L.

M. Darrh Bryant, DMD, P.L.

STATE OF FLORIDA
COUNTY OF LEON

On this 9th day of July. 2012, personally appeared before me M. Darrh Bryant, DMD, P.L., who ( ) is personally known to me or (✓) produced DL#B53544-75004-0 as identification to be the signer of the above instrument, and he/she acknowledges that he/she executed it.

Notary Public
(Stamp)

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

CITY OF TALLAHASSEE

GROWTH MANAGEMENT DEPT

By: Karen Jumonville, Director

PLACE (Planning, Land Management and Community Enhancement)

Wayne Tedder, Director

STATE OF FLORIDA
COUNTY OF LEON

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

Notary Public
(Stamp)

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

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BOB INZER
UNOFFICIAL DOCUMENT

STATE OF FLORIDA
COUNTY OF LEON

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

April Thornton
Notary Public
(Stamp)

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

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EXHIBIT "A"

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

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Section 10-253 OR-3 Office Residential District

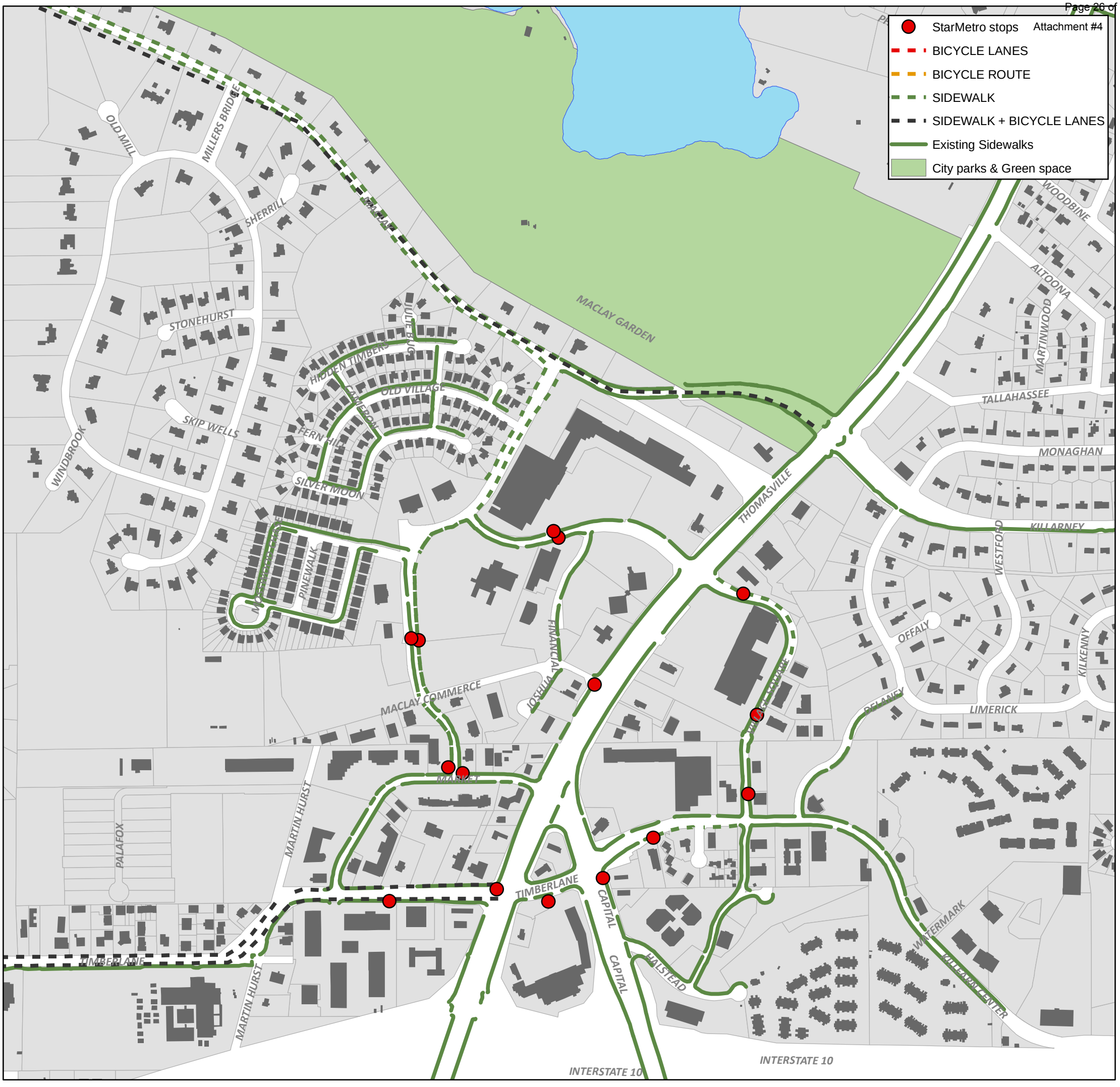
The following applies to the OR-3 Office Residential District:

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

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

GENERAL NOTES:

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

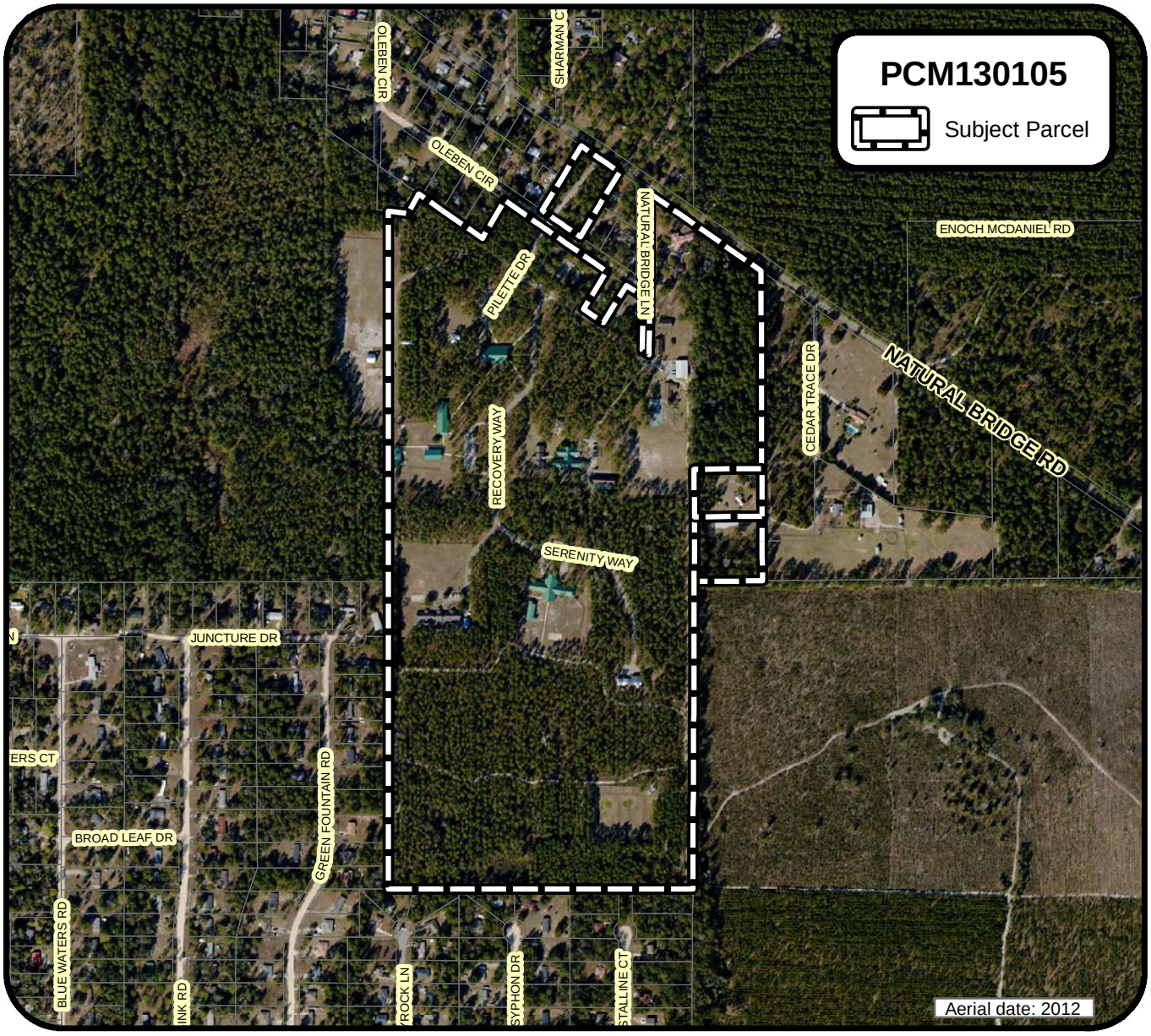


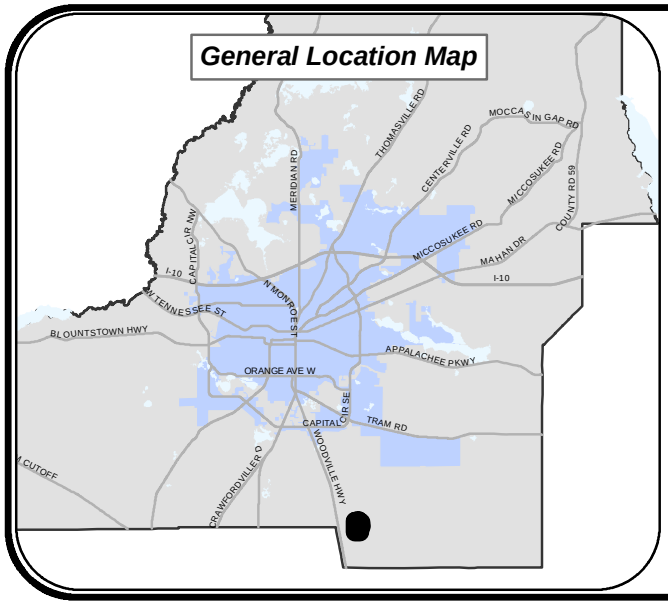
The Market District: Placemaking

Proposed Area Infrastructure Projects

Posted at 5:00 p.m. on April 1, 2013

TLCPD Tallahassee-Leon County Planning Department





Woodville
Rural Community Expansion
PCM130105
Disc Village

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

ACRES: 98.04 ±

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

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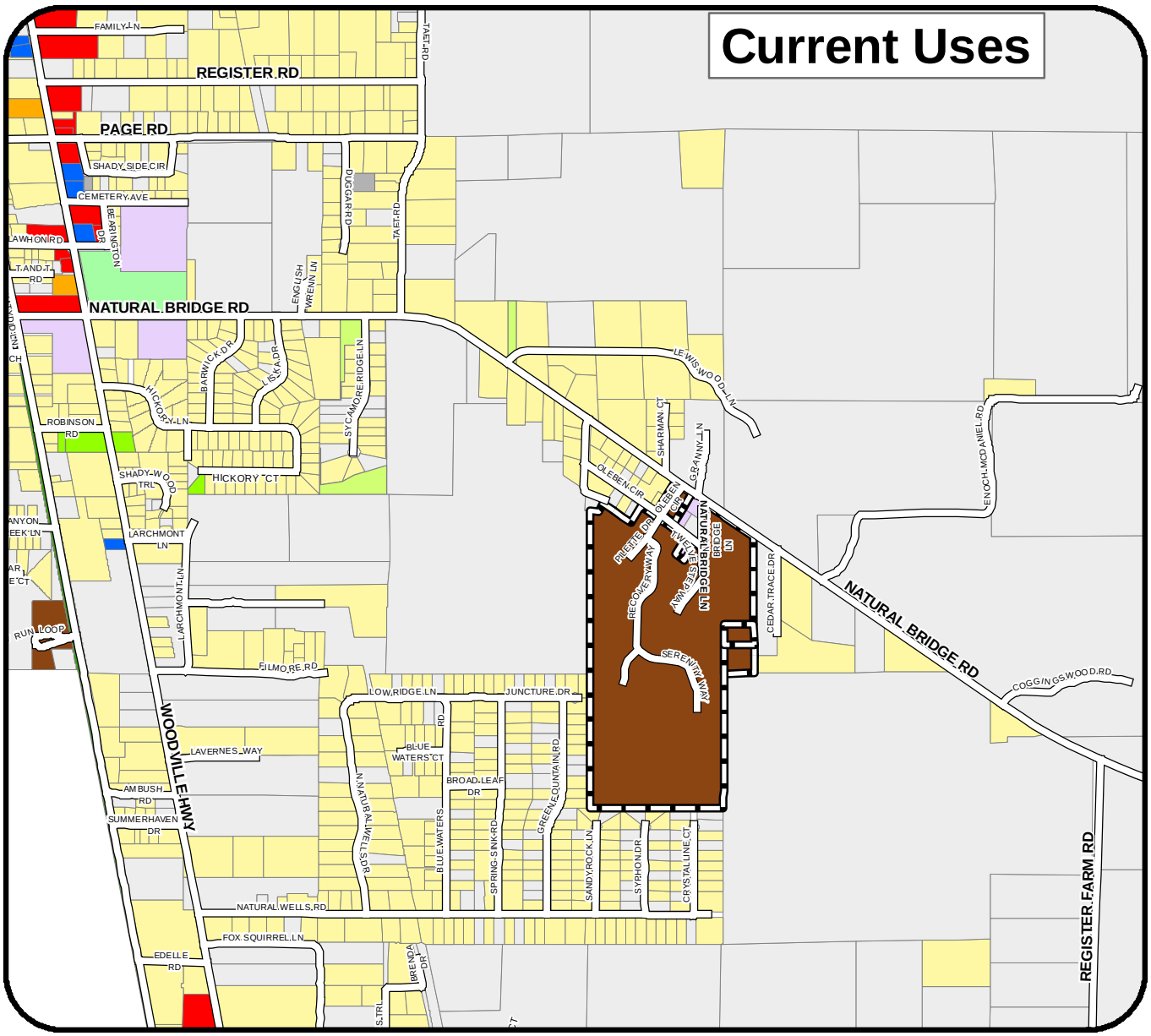


Legend

Slseg_20120612

Subject Parcel

Current Uses (Oct. 2012)

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

Woodville Rural Community Expansion

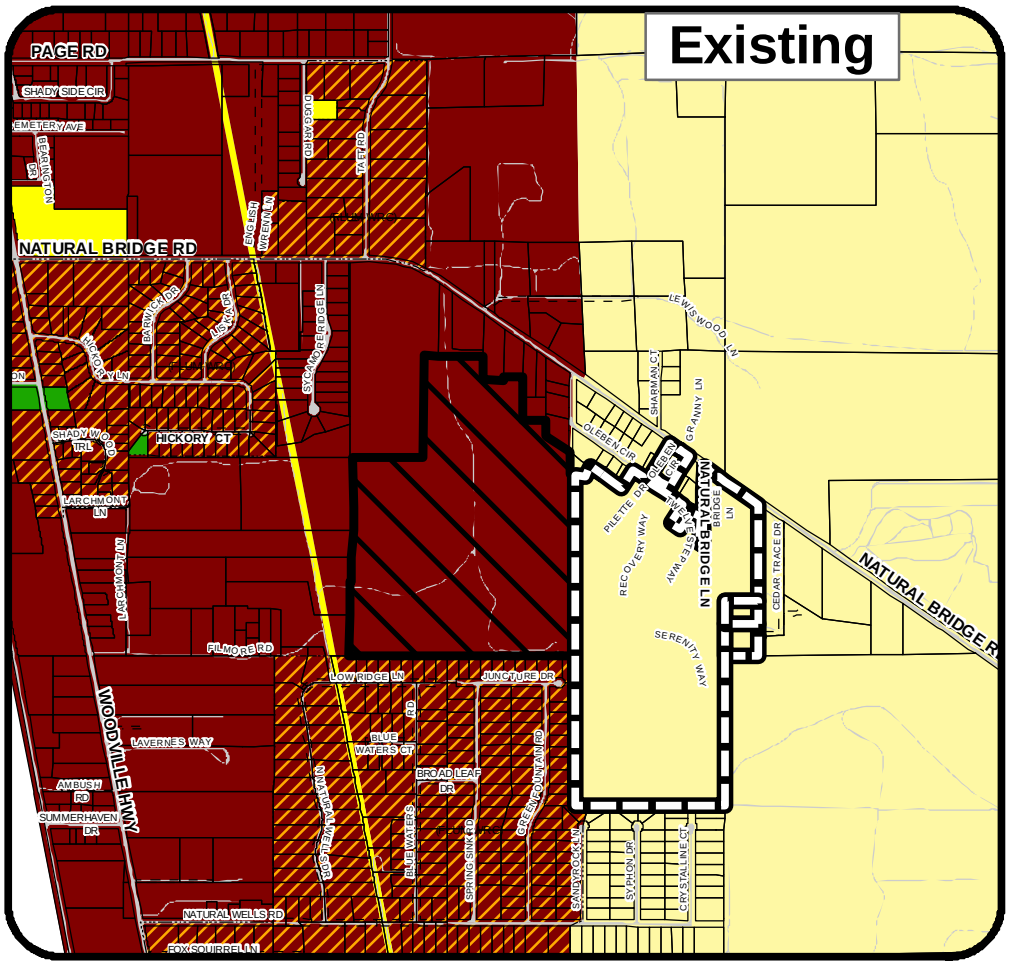
PCM130105

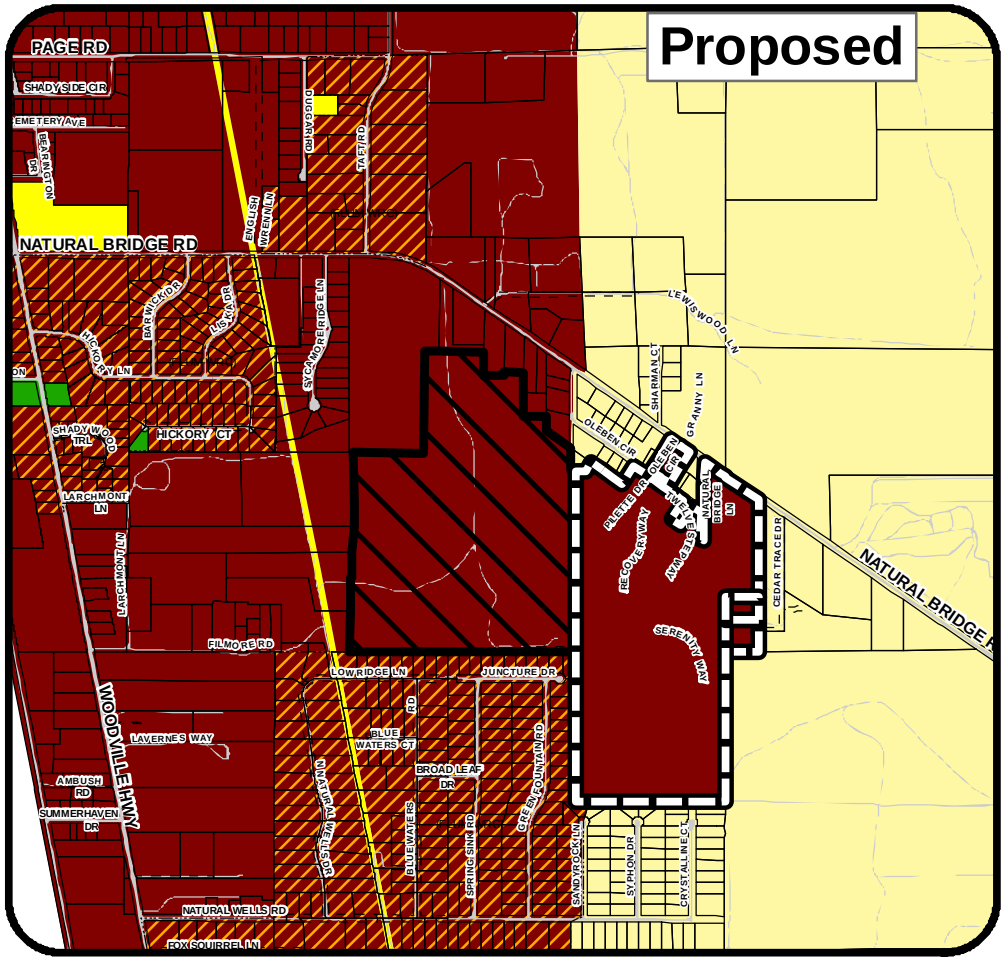
Disc Village

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

ACRES: 98.04 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT





Future Land Use

Legend

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

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

Woodville Rural Community Expansion

PCM130105

Disc Village

Existing
Rural

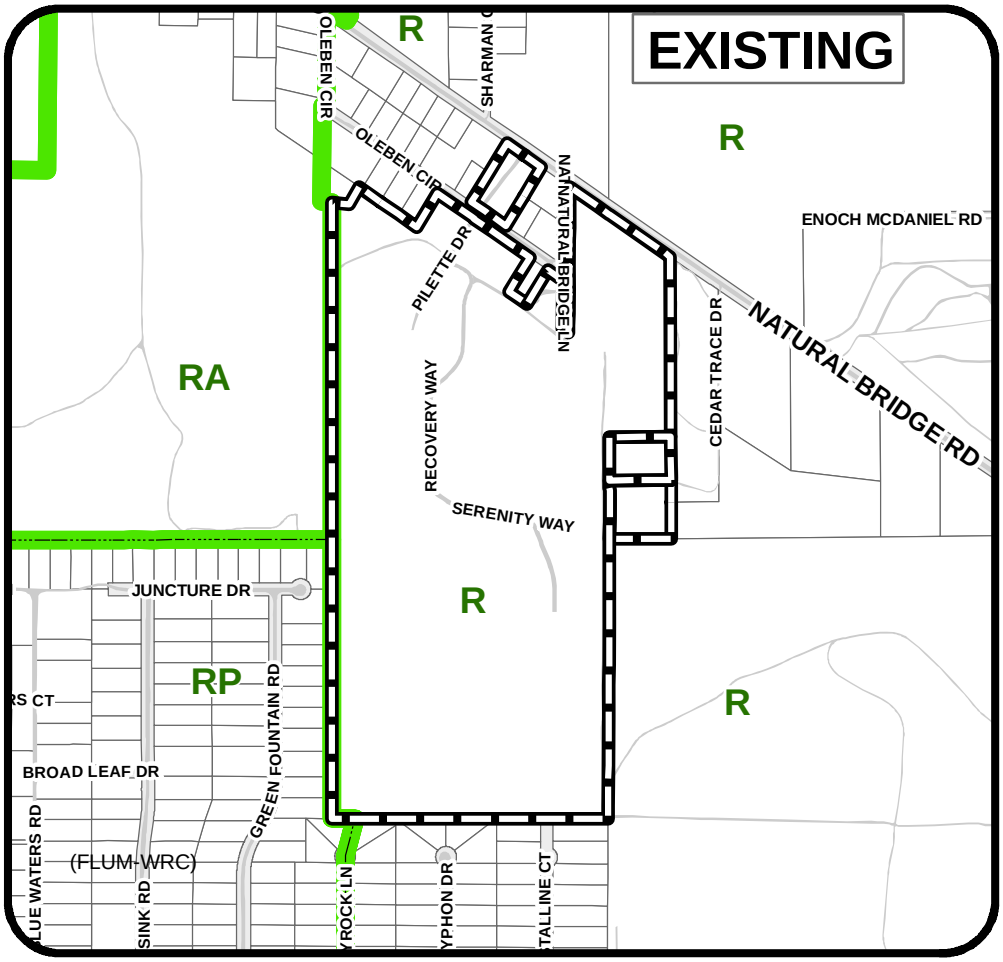
Proposed
Woodville Rural Community

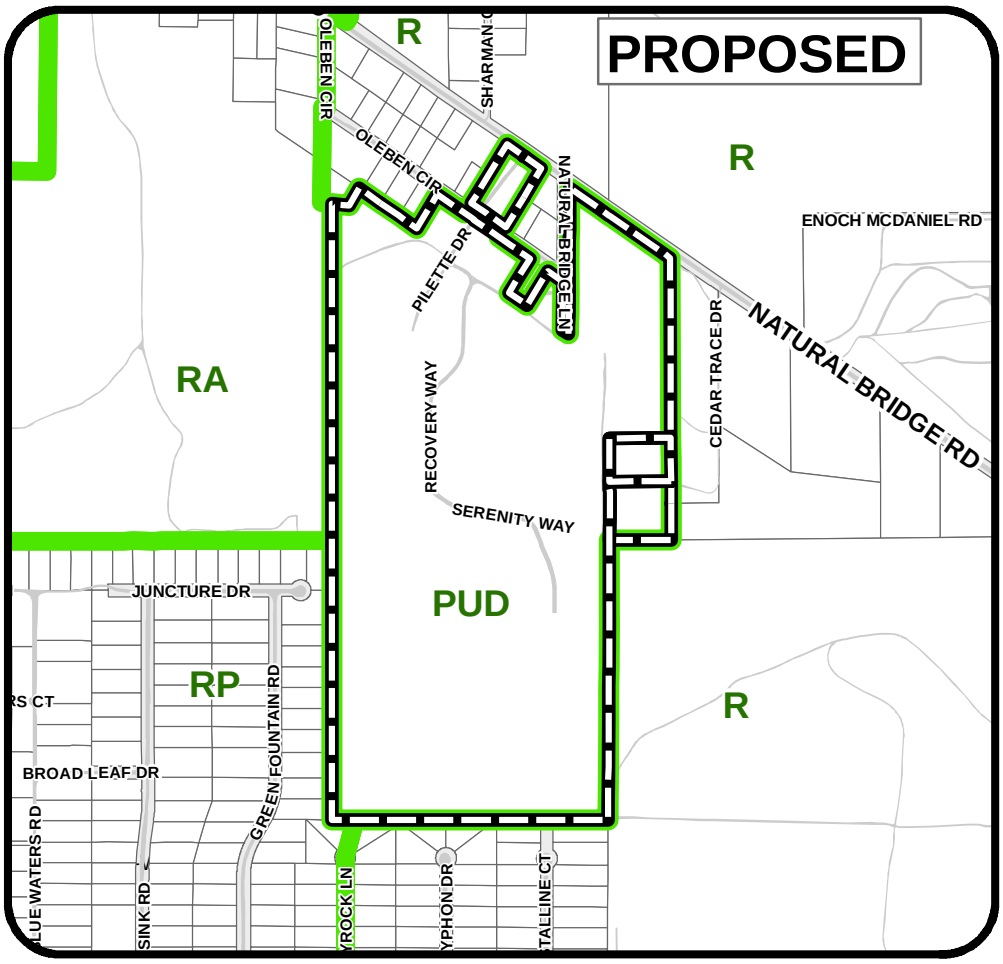
N W E S

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

ACRES: 98.04 ±

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





ZONING

Legend

Subject Parcel

zoning

Woodville Rural Community Expansion

PCM130105

Disc Village

Existing

R
(Rural)

Proposed

PUD
(Planned Unit Development)

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

ACRES: 98.04 ±

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

MAP AMENDMENT: PCM130105

APPLICANT: Woodville Properties

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

CITY __ COUNTY X

CURRENT DESIGNATION: Rural

REQUESTED DESIGNATION: Woodville Rural Community

DATE: January 9, 2013

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

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

A. SUMMARY:

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

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

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

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

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

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

C. APPLICANT'S REASON FOR THE AMENDMENT:

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

D. STAFF ANALYSIS

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

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

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

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

Existing FLUM & Zoning

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

Rural/Agriculture (Rural[1]) Land Use

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

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

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

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

Rural Zoning

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

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

Proposed FLUM & Zoning

Woodville Rural Community Land Use

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

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

Planned Unit Development Zoning

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

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

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

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

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features

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

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

2. Water/Sewer

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

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

3. Other

Roads

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

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

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

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

Transit Availability

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

Bicycle/Pedestrian Facilities Availability

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

4. Schools

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

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

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

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

5. 5-Year Capital Improvements Projects

None.

F. VESTED / EXEMPT STATUS:

Not applicable.

G. PLANNING ISSUES

Wastewater Treatment

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

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

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

Transportation

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

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

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

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

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

Allowable Residential Density

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

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

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

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

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

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

Allowable Non-residential Uses

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

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

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

[2] From Property Appraiser's Legal Description.

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

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

Local Government Priorities

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

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

(2) Promote concentrated commercial development in Woodville.

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

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

Regional Mobility Plan

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

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

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

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

H. CONCLUSION:

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

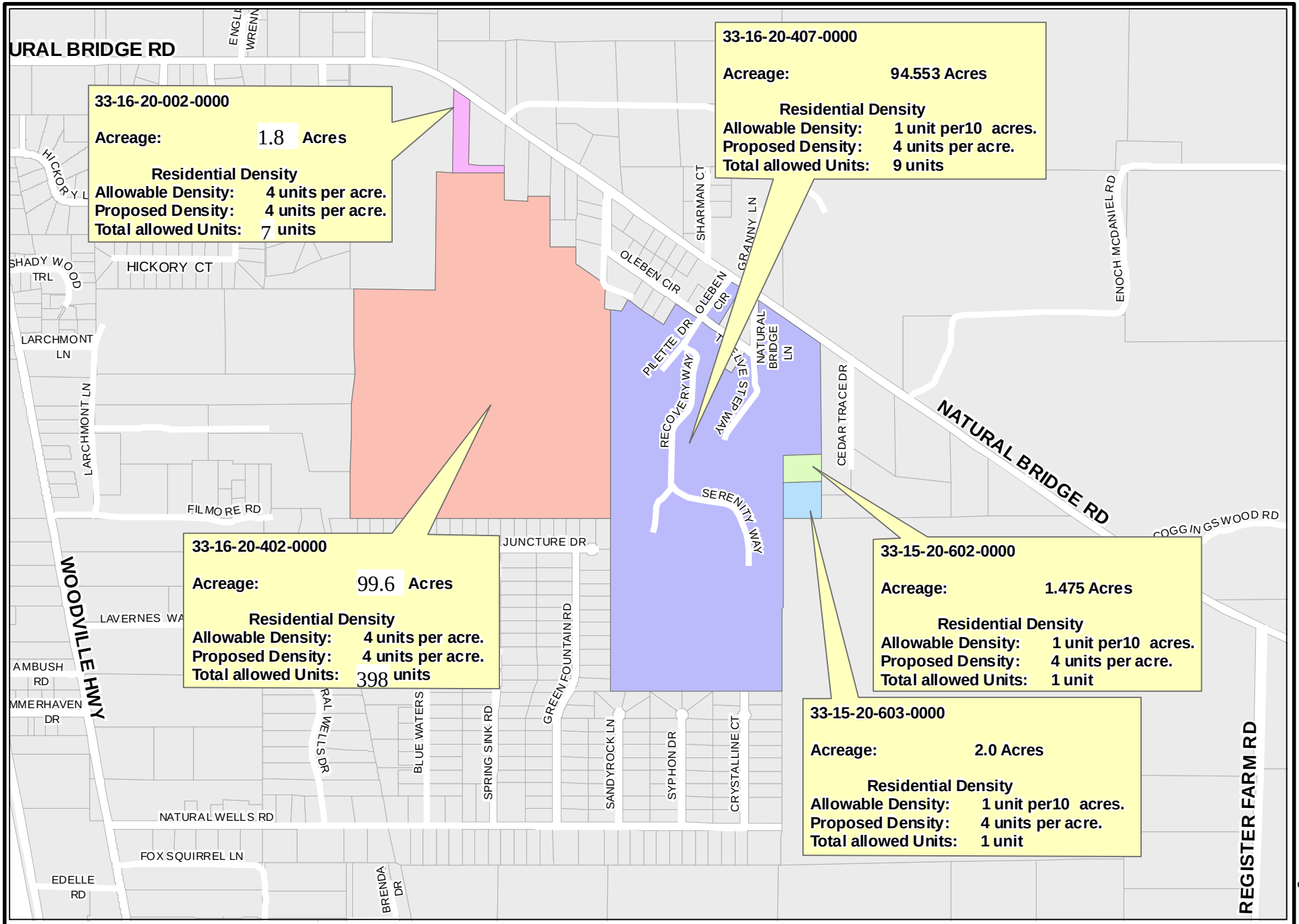
1. The existing DISC Village is a legal non-conforming use under its current Rural land use category. Eliminating this non-conformity will allow for further investment in the property and provide some flexibility for future use of the property.
2. The subject property, when combined with an adjacent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

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

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

I. ATTACHMENTS:

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



PCM 130105
Residential Densities

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

Posted at 5:00 p.m. on April 1, 2013

Date Printed: Dec. 10, 2012

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

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

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

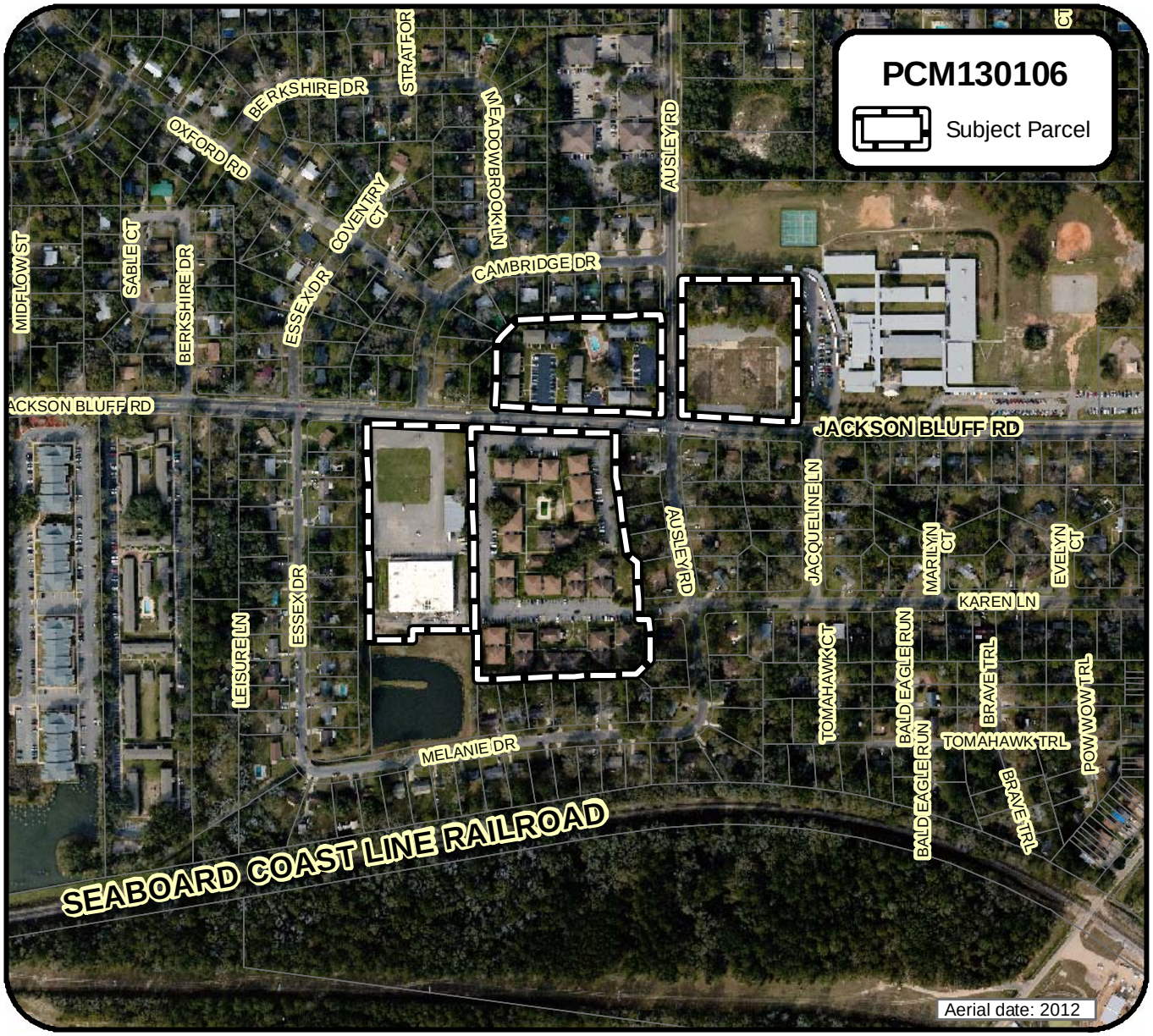
   (A) The Rural and Urban Fringe Future Land Use Map categories inside the PSPZ shall be designated as the sending areas to transfer dwelling units out of. Expansion of the Urban Fringe Future Land Use Map category shall not be allowed in the PSPZ.

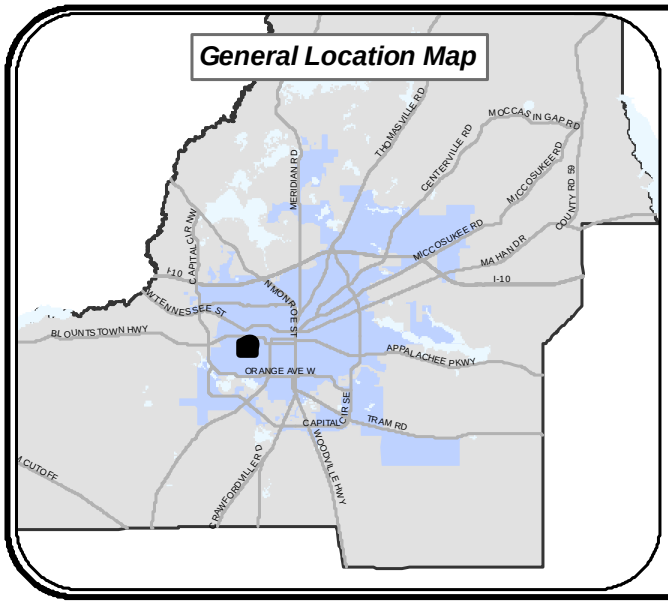
   (B) Areas inside the Woodville Rural Community Future Land Use Map category, where connection to sewer facilities designed to achieve Wastewater Treatment standards is available and required, shall be designated to receive dwelling units.

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

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

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





Jackson Bluff and Ausley Street PCM130106

Carolyn Bibler

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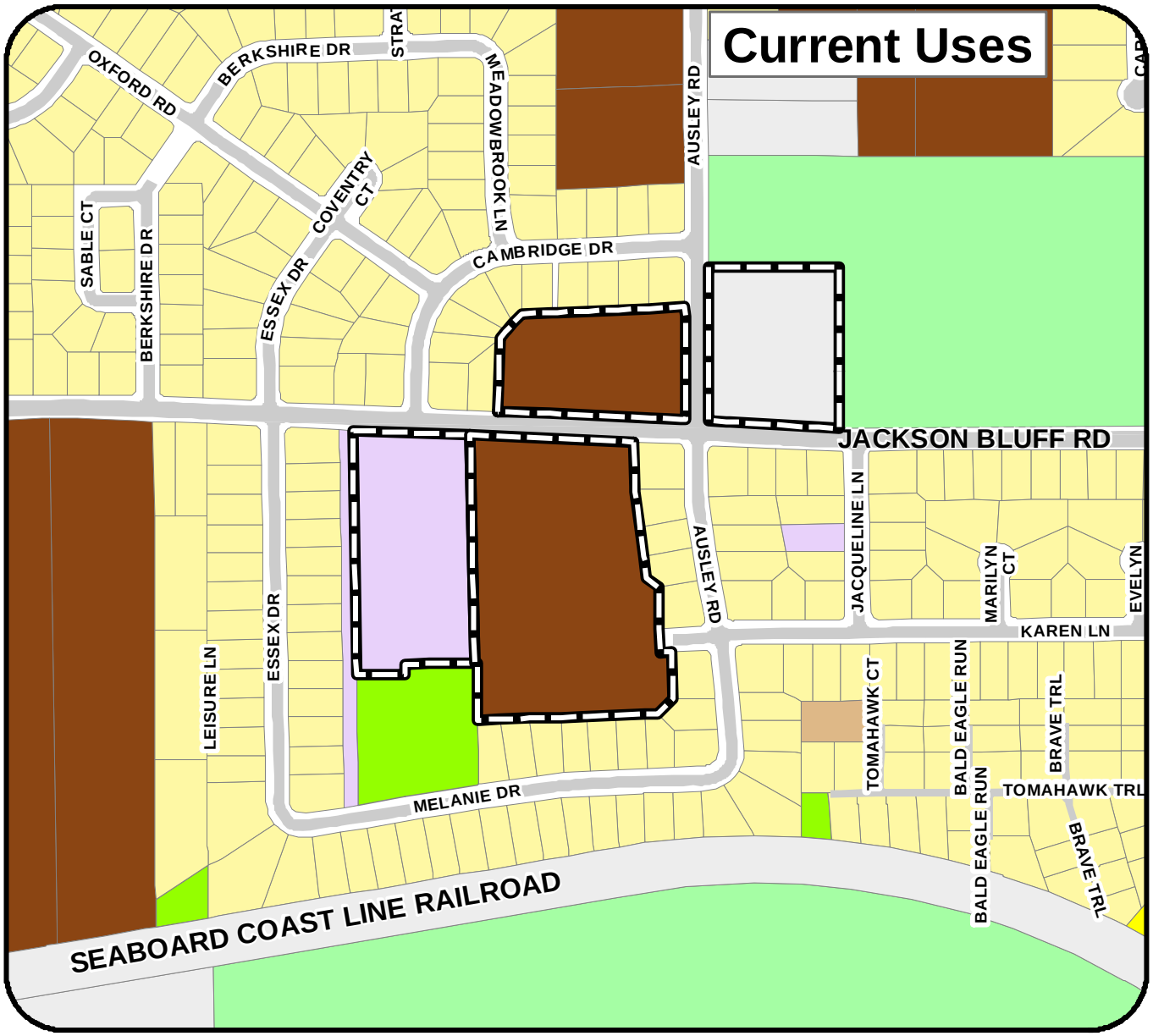
21-34-20-627-0000
41-03-20-201-0000
41-03-20-240-0000

ACRES: 16.42±



Legend

Subject Parcel

Current Uses (Oct. 2012)

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

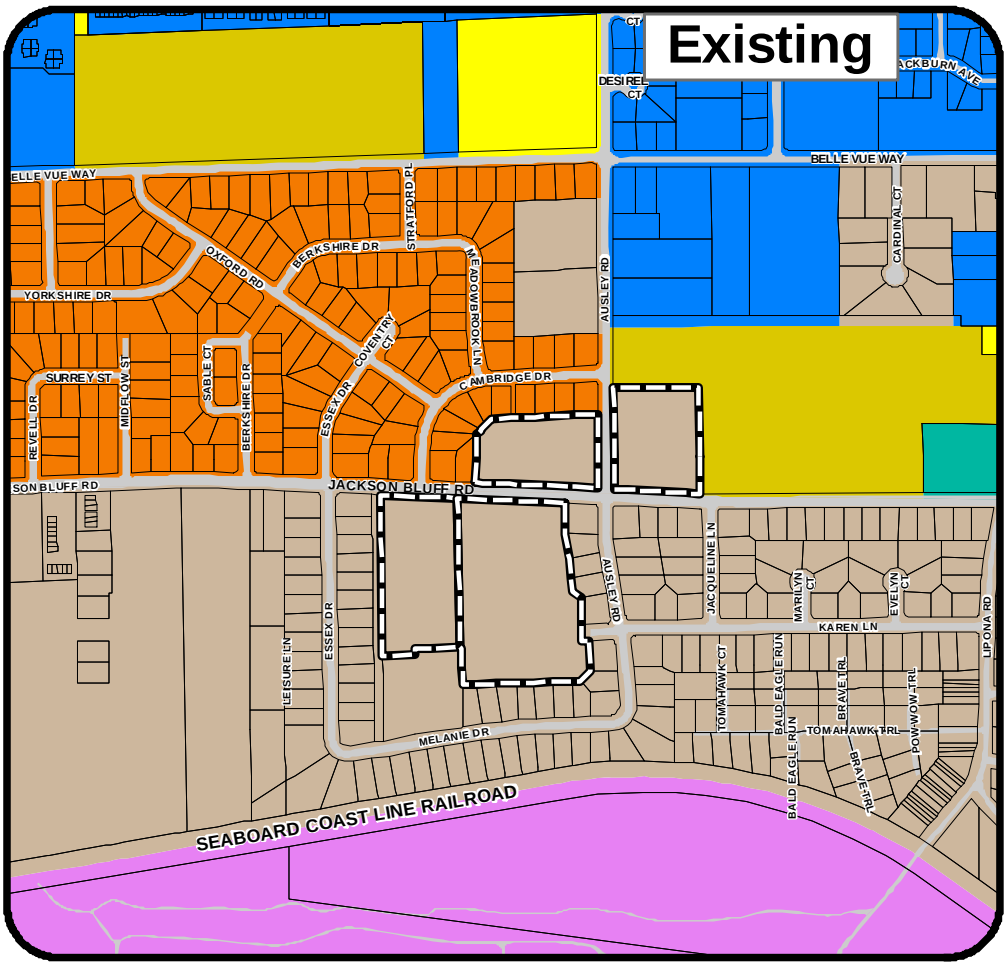
Jackson Bluff and Ausley Street PCM130106

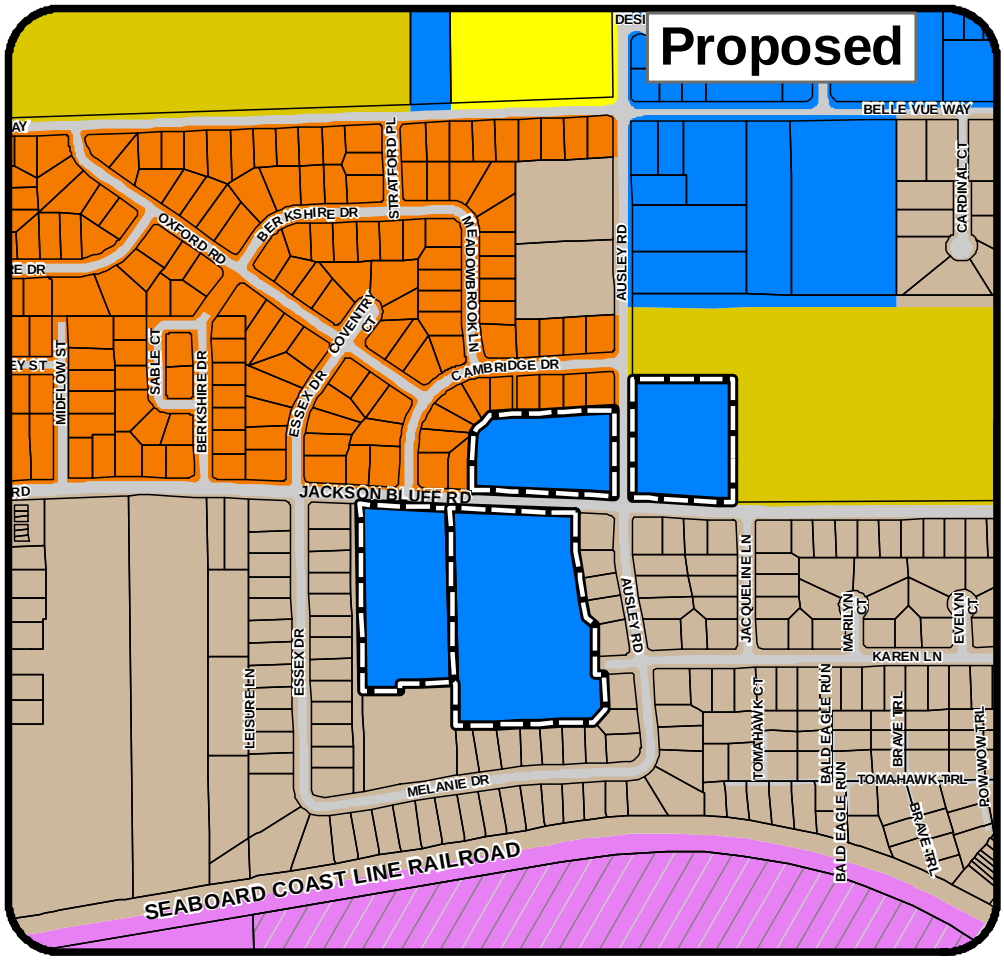
Carolyn Bibler

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

ACRES: 16.42 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT





Future Land Use

Legend

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

Subject Parcel

Jackson Bluff and Ausley Street PCM130106

Carolyn Bibler

Existing

Urban Residential-2

Proposed

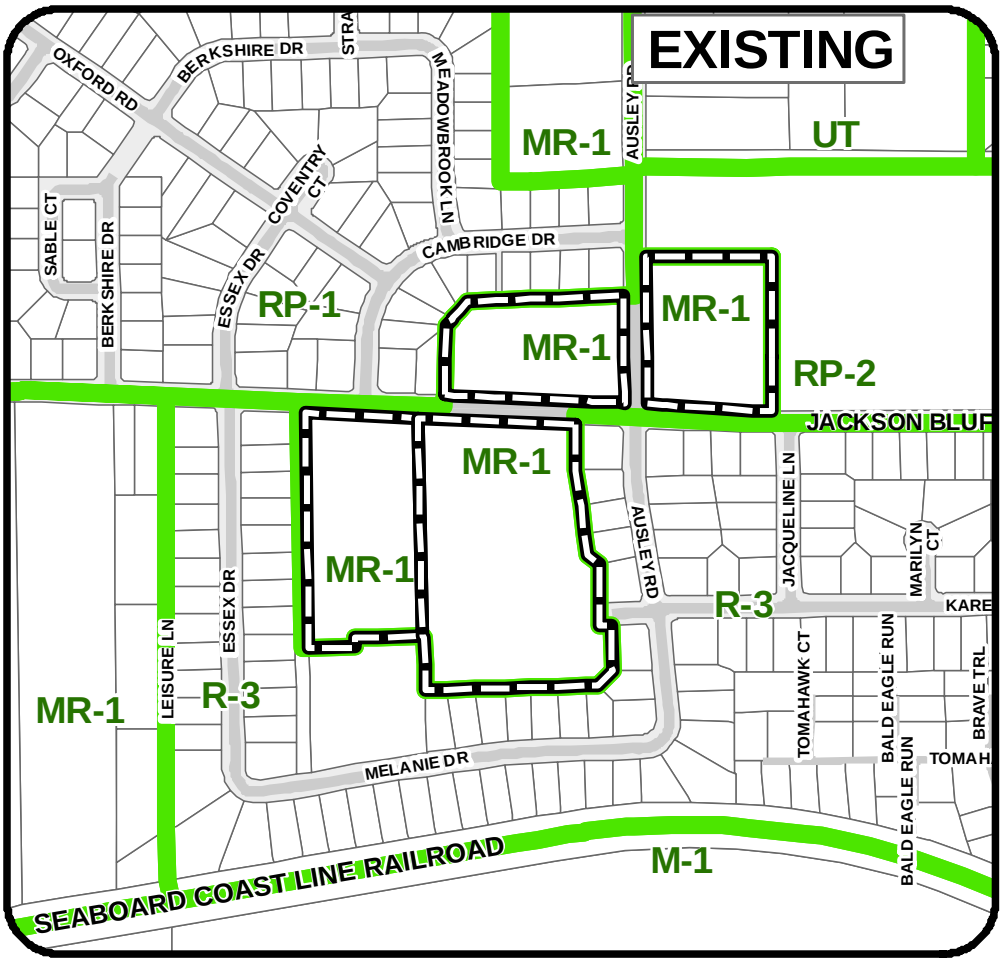
University Transition

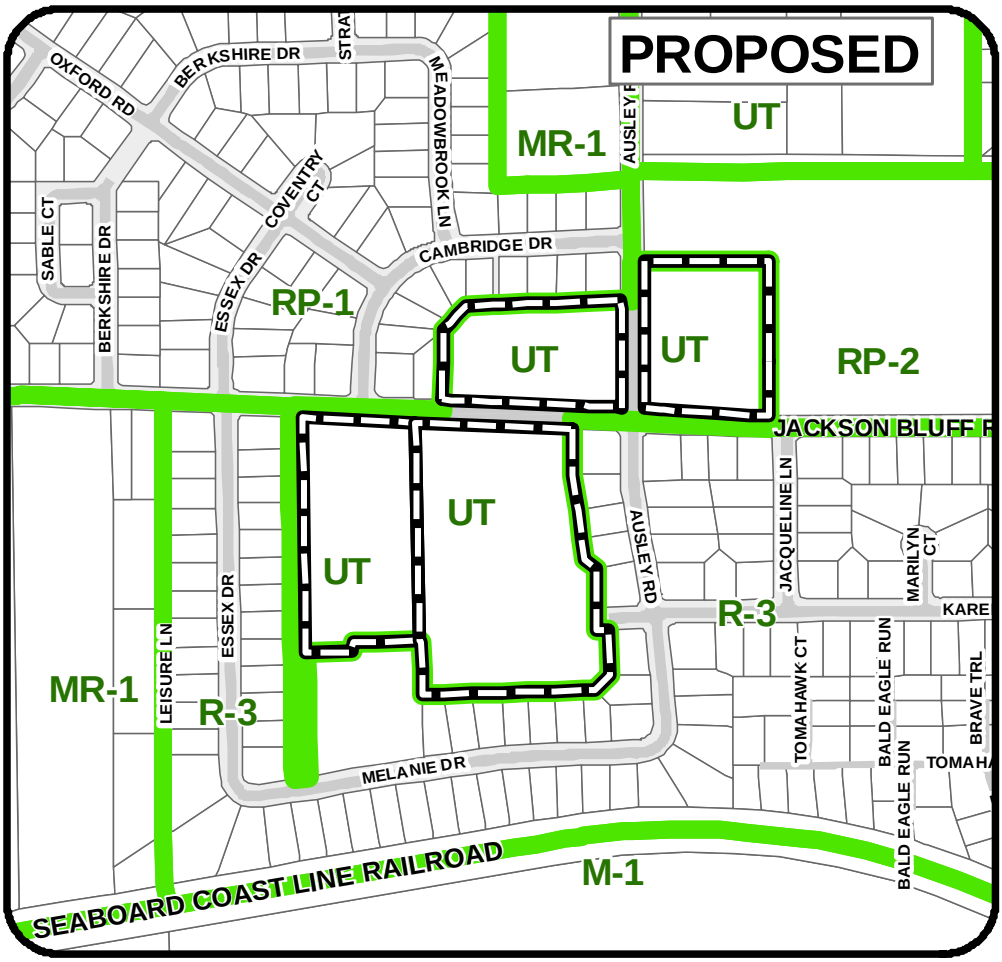
N W E S

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

ACRES: 16.42 ±

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





ZONING

Legend

Subject Parcel

zoning

Jackson Bluff and Ausley Street PCM130106

Carolyn Bibler

Existing

MR-1
(Medium Density Residential

Proposed

UT
(University Transition)

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

ACRES: 16.42 ±

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

MAP AMENDMENT #: PCM130106

APPLICANT: Carolyn Bibler, Bibler Design Development

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

CITY __X__ COUNTY __

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

REQUESTED DESIGNATION: University Transition (UT)

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM130106

A. SUMMARY:

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

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

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

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

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

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

C. APPLICANT'S REASON FOR THE AMENDMENT:

See Attachment I.

D. STAFF ANALYSIS:

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

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

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

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

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

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

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

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

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

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

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

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

4. Availability/impacts of Infrastructure

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

Planning Summation

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

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features: The four parcels of this amendment are located within the Lake Munson drainage basin. Two of the parcels, located immediately south of Jackson Bluff Road, are in altered floodplains (parcel # 41-03-20-201-0000 and parcel # 41-03-20-240-0000). County environmentally sensitive area maps indicate no other known environmentally sensitive features in the subject area.

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

3. Transportation:

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

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

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

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

School Name	Riley Elementary	Nims Middle	Rickards High
Potential Students Generated	94	36	35
Present Capacity	-48	510	240
Post Development Capacity	-142	474	205

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

5. Optional Sustainable Development Survey

The amendment application forms include an optional sustainable development survey that allowed the applicant to provide information about the proximity of services to the site under review. The form was completed by the applicant.

F. VESTED / EXEMPT STATUS:

The subject properties are not vested or exempt.

G. CONCLUSION:

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

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

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

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

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

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

1. **Why do you want to change the Future Land Use Map?**

Four separate tax parcels that lie within the West Pensacola Street Sector are the subjects of this request. Please refer to Vicinity Map, Figure 1. Currently, all four parcels have an underlying Future Land Use Map (FLUM) designation Urban Residential (UR-2) and are zoned Medium Density Residential (MR-1).

Two of the four parcels are currently developed as apartment complexes, while the third is an old grocery store shopping center that is currently used as Salvation Army thrift store, Community Garden and office. The fourth parcel is currently vacant, although it has been developed in the past as a site for portable classrooms and contains asphalt driving lanes and parking areas. An older house also exists on the property and was formerly used as a day care center. Please refer to attached Existing Conditions Aerial Map, Figure 2.

All four parcels front on Jackson Bluff Road, with two of the parcels having dual frontage on Ausley Road. Both roads are designated Major Collectors and all four parcels lie within 1000' of the intersection of these two significant corridors.

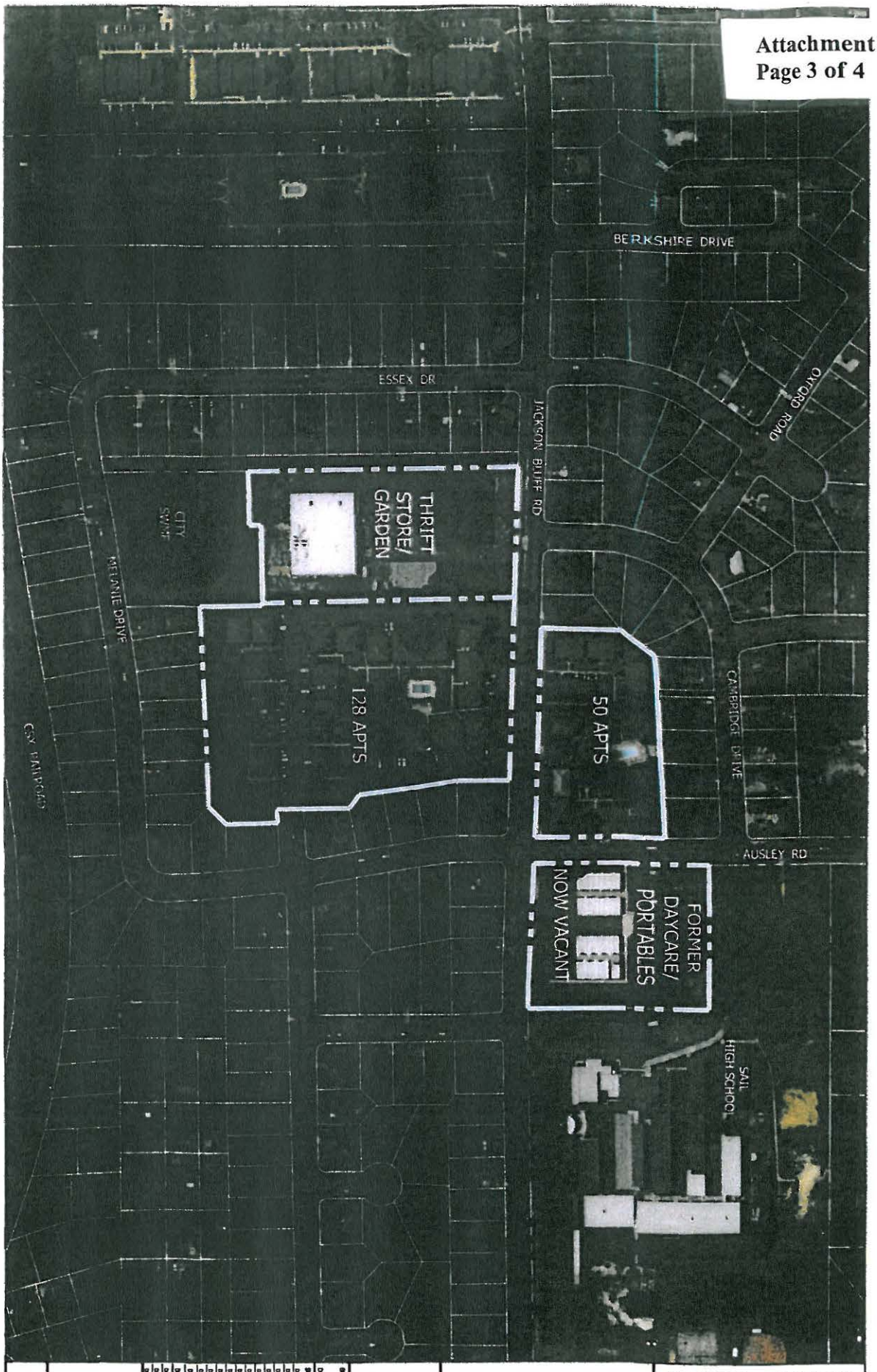
It is requested that all four parcels be re-designated University Transition (UT) on the FLUM, with zoning also being revised to UT. This change would allow for a higher density of multi-family residential development at this important node, as well as allowing for much-needed neighborhood-scale commercial development.

The parcels lie within the Multi-Modal Transportation District (MMTD) and are well served by Tallahassee's mass transit system. Ausley Road has a designated on-street bike lane and Jackson Bluff Road has wide pavement and is shown as a "Shared ROW" for bicycles on Mobility District maps. The Jackson Bluff/Ausley intersection is less than one mile from Doak Campbell Stadium and approximately a mile and a half from Tallahassee Community College Campus. However, apart from the thrift store – retail and service businesses to serve a walking and biking populace are non-existent within ¼ mile of the intersection. The nearest location for a loaf of bread or carton of milk is nearly ½ mile to Pensacola Street at the Circle K or ¾ mile down Jackson Bluff to a Kangaroo gas station convenience store. The nearest real grocery store is the Publix at Ocala and Tennessee, a mile away on foot. There are no restaurants within a third-mile. Although there is ample opportunity for redevelopment at this

node, the current zoning and Future Land Use designation only allows for more residential development. Please refer to Zoning Vicinity Map, Figure 3.

According to the *West Pensacola Street Sector Plan*, which was prepared by the Tallahassee-Leon County Planning Department in 2006, sixty-five percent of the sector is between the ages of 18 and 24, with sixty-three percent enrolled in college. Recommendations from public input to the sector plan included directing high density/intensity development to the corridors and permitting an increase in density there, while encouraging mixed uses and good urban design. Specific to Jackson Bluff Road, recommendations for redevelopment included allowance for higher density development in existing retail areas or existing multi-family areas. Also, additional development, if approved, should be compatible with existing single-family housing and utilize urban design techniques. Jackson Bluff Road should be a walkable/ pedestrian friendly road with a mixture of housing types and uses. A Future Land Use Map and zoning change to UT would allow for smaller scale commercial intermixed with higher density housing to support it. This combination increases chances for the success of retail, service, and food and entertainment establishments that will serve the neighborhood as a whole. The design standards contained within the UT zoning category provide for aesthetic protections and value-added functionality.

Attachment I
Page 3 of 4



ATTACHMENT 9
FIGURE 2

1" = 200'

DATE:
BDD PROJECT #: 154.002
10/1/12

EXISTING CONDITIONS AERIAL MAP

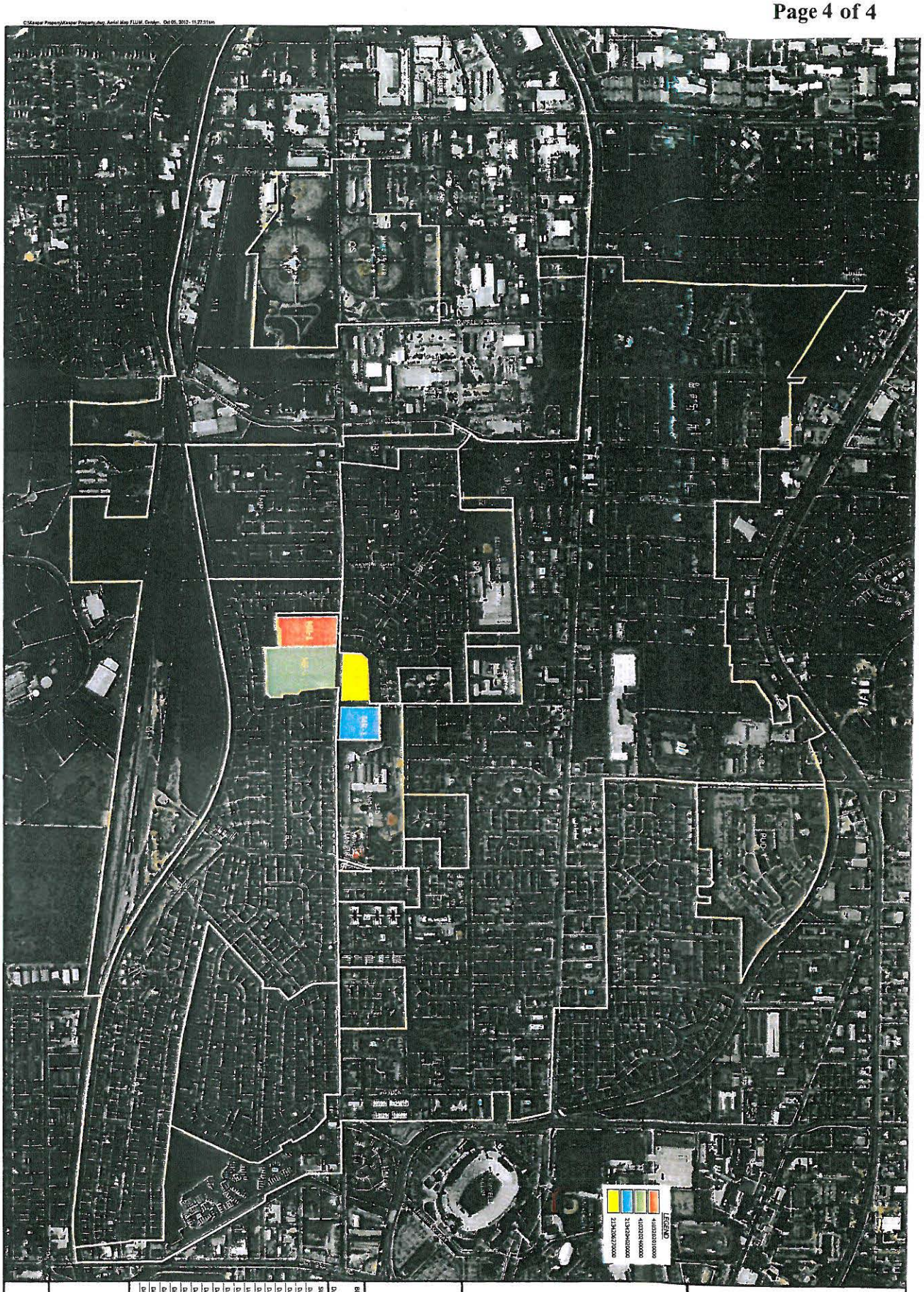
JACKSON BLUFF AT AUSLEY ROAD
FLUM AMENDMENT
TALLAHASSEE, FL

LAND USE PLANNING
ENGINEERING SUPPORT

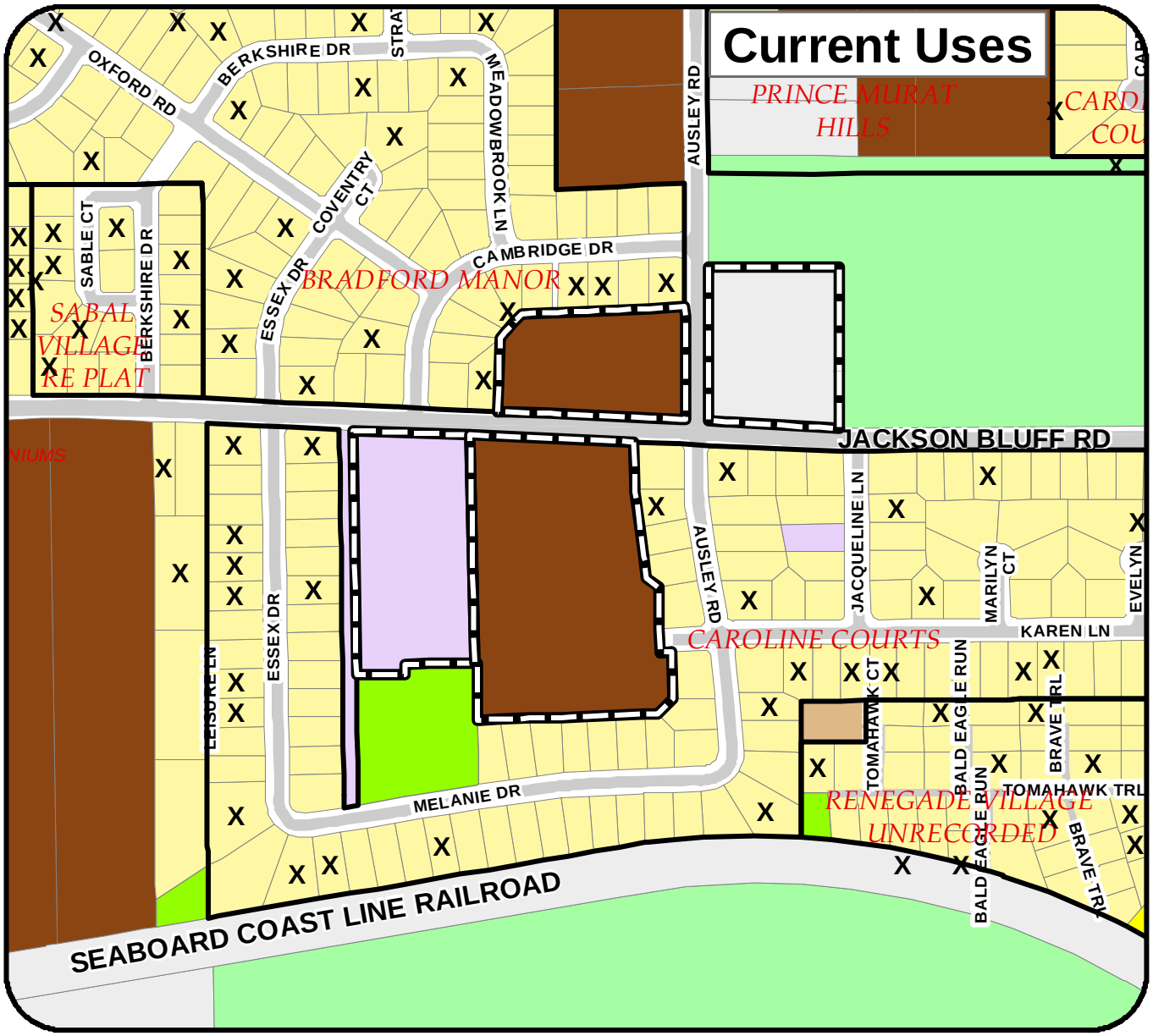
BIBLER DESIGN DEVELOPMENT

3673 MOSSY CREEK LN
TALLAHASSEE, FL 32311
OFFICE 850.877.4377
WWW.BIBLERDESIGN.NET

Attachment I
Page 4 of 4



Attachment II



Legend

Subject Parcel

Subdivisions

Current Uses (Oct. 2012)

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

X Homestead Exempt Properties

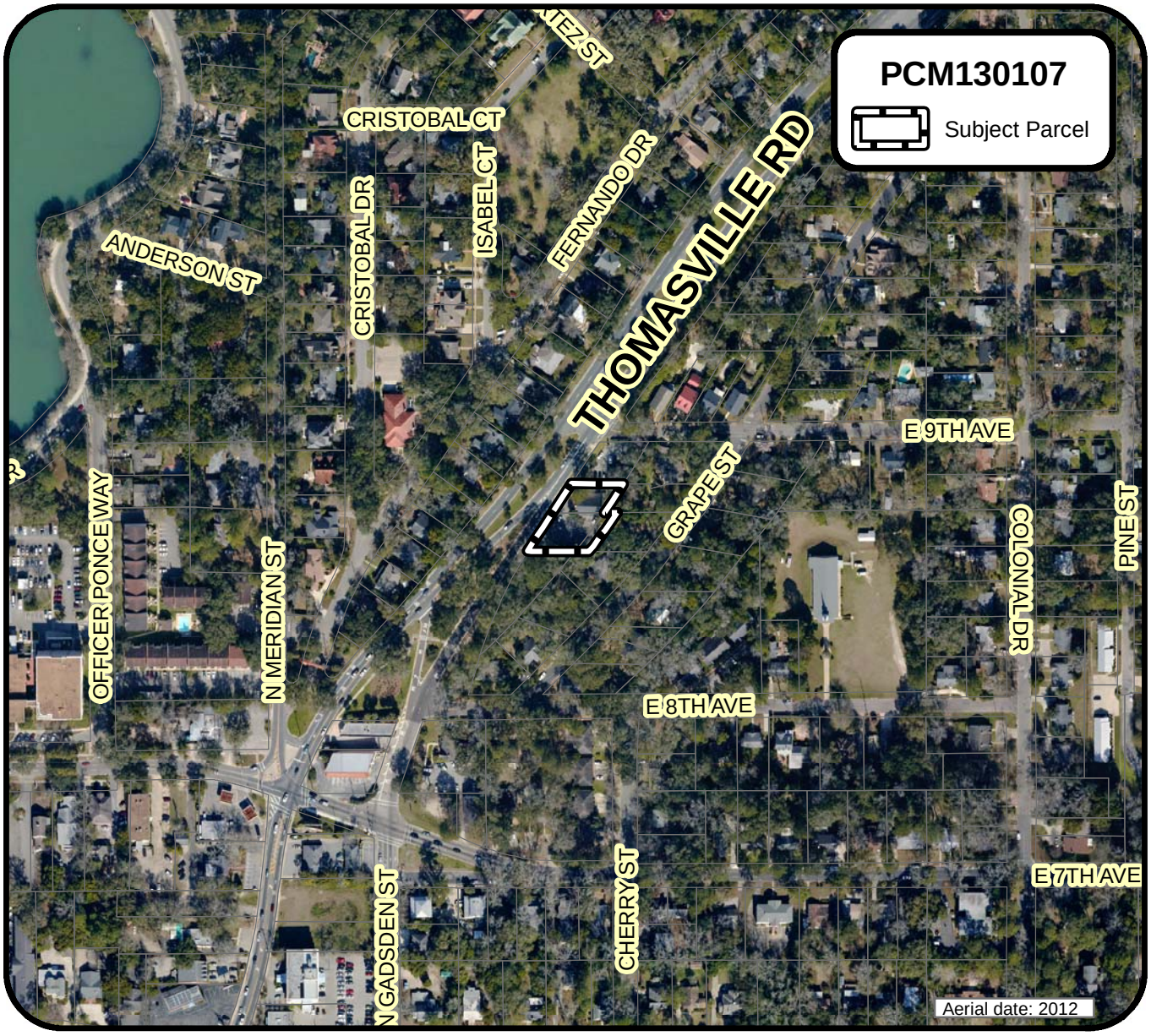
Jackson Bluff and Ausley Street PCM130106

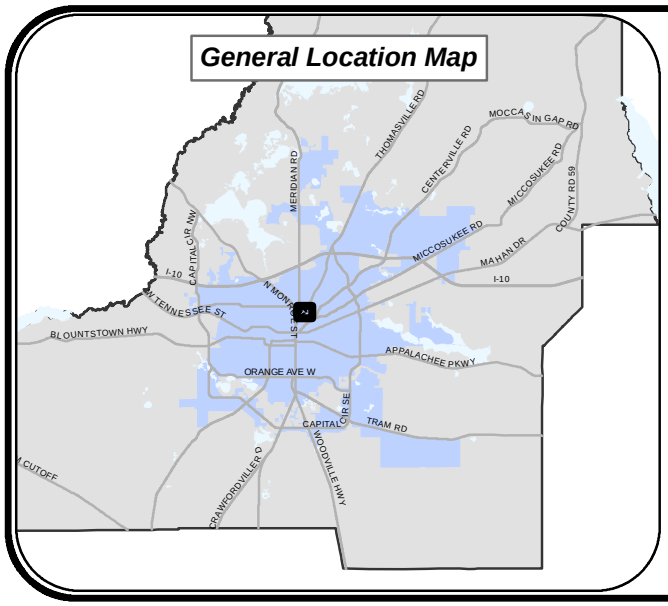
Carolyn Bibler

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

ACRES: 16.42±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT





9th Avenue and Thomasville Road PCM130107

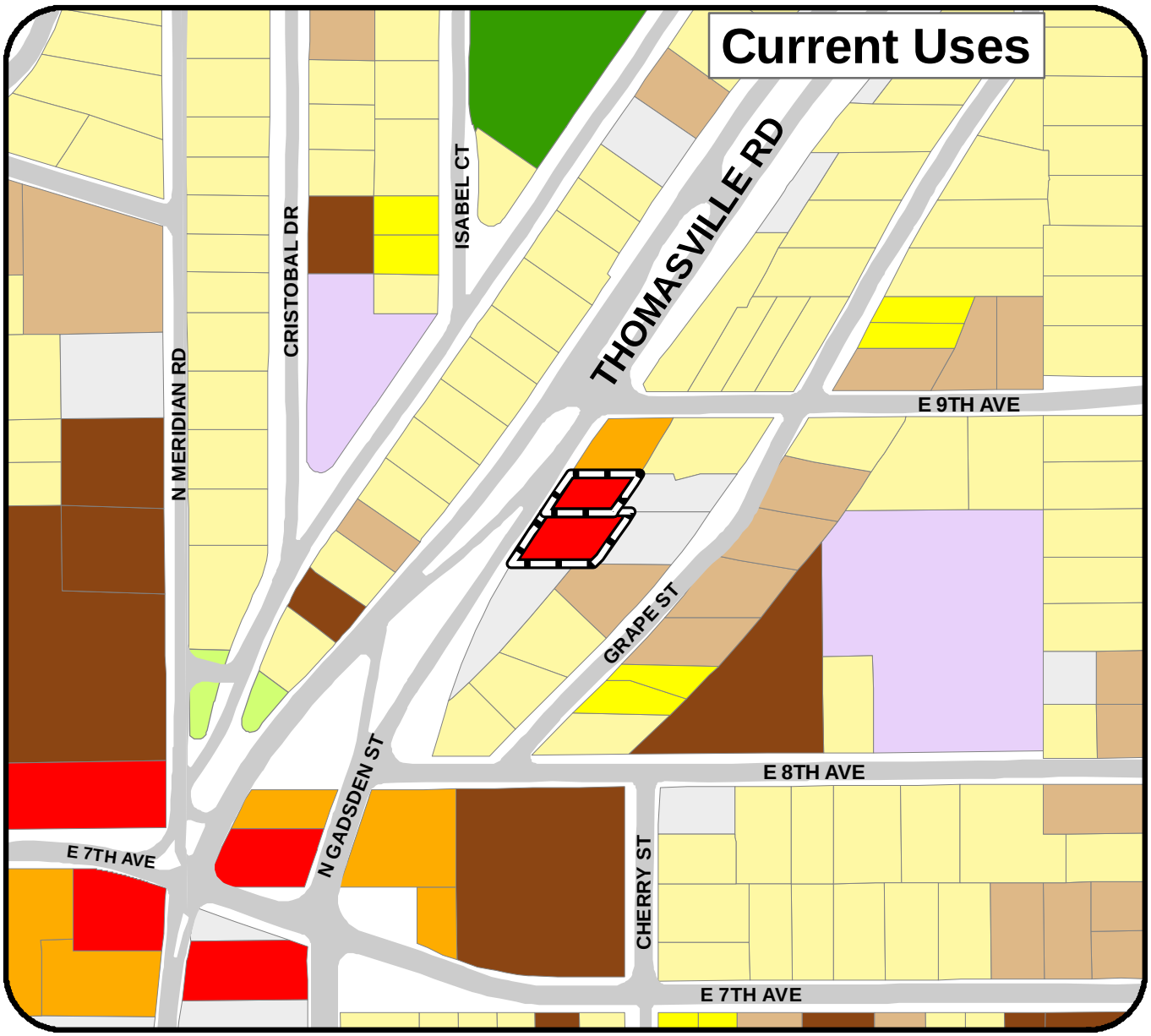
City of Tallahassee

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

ACRES: 0.38 ±

N
W E
S

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



Legend

Subject Parcel

Current Uses (Oct. 2012)

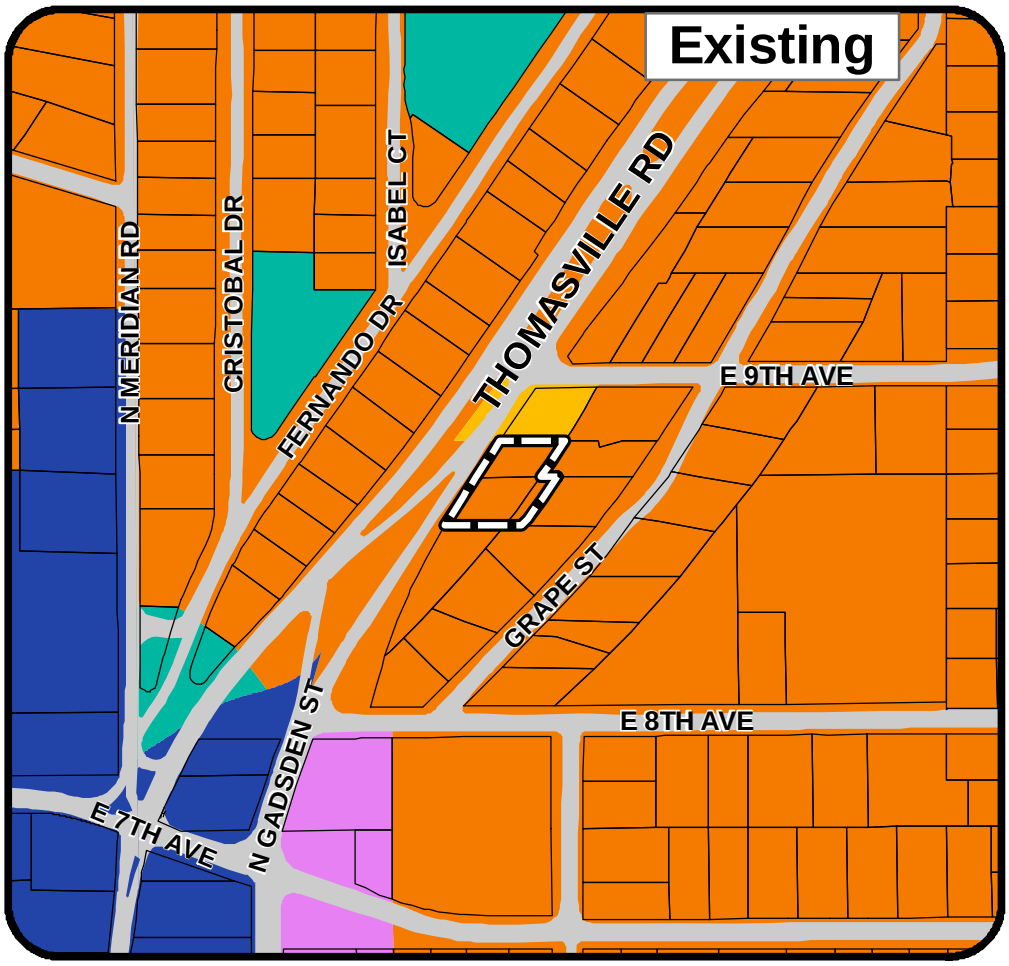
- Single Family Detached/Mobile Home
- Single Family Attached
- Two-Family Dwelling
- Multi-Family
- Retail
- Office
- Government Operation
- Open Space Common Areas
- Open Space Recreation/Parks
- Religious/Non-profit
- Vacant

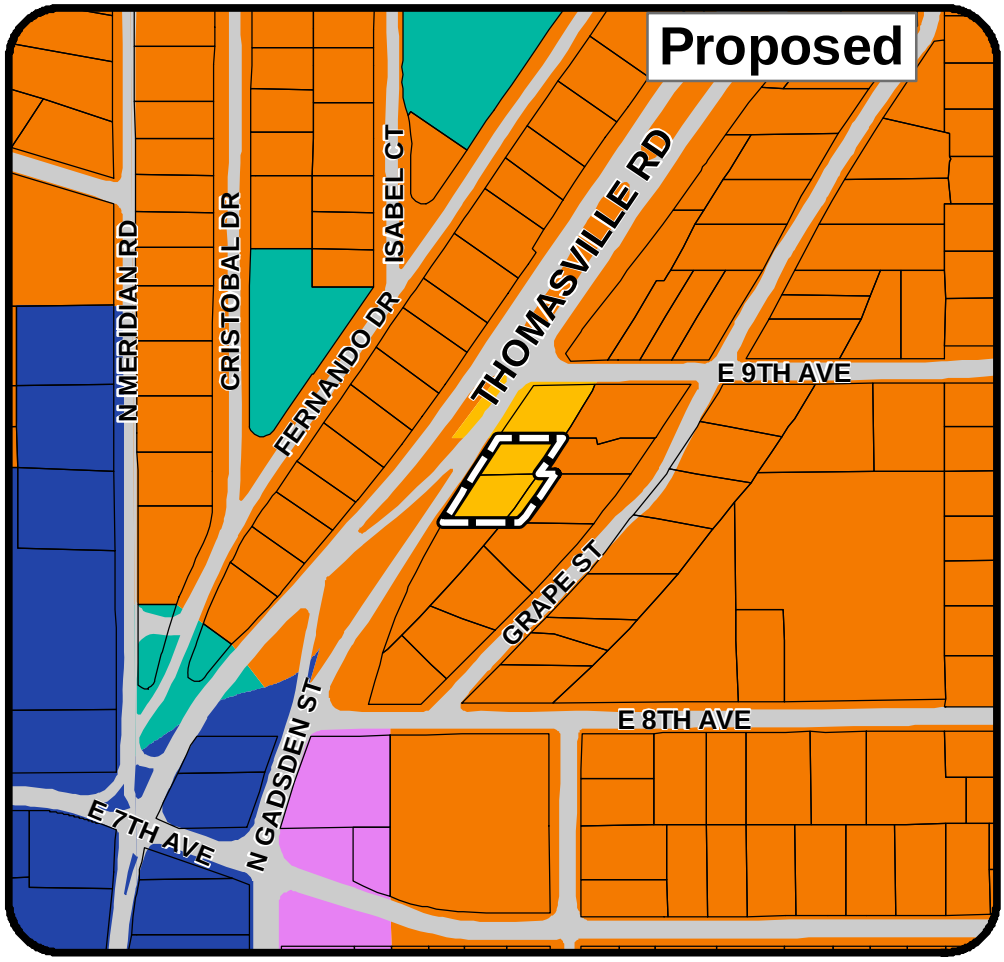
9th Avenue and Thomasville Road
PCM130107
City of Tallahassee

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

ACRES: 0.38 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT





Future Land Use

Legend

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

Subject Parcel

9th Avenue and Thomasville Road
PCM130107
City of Tallahassee

Existing

Residental Preservation

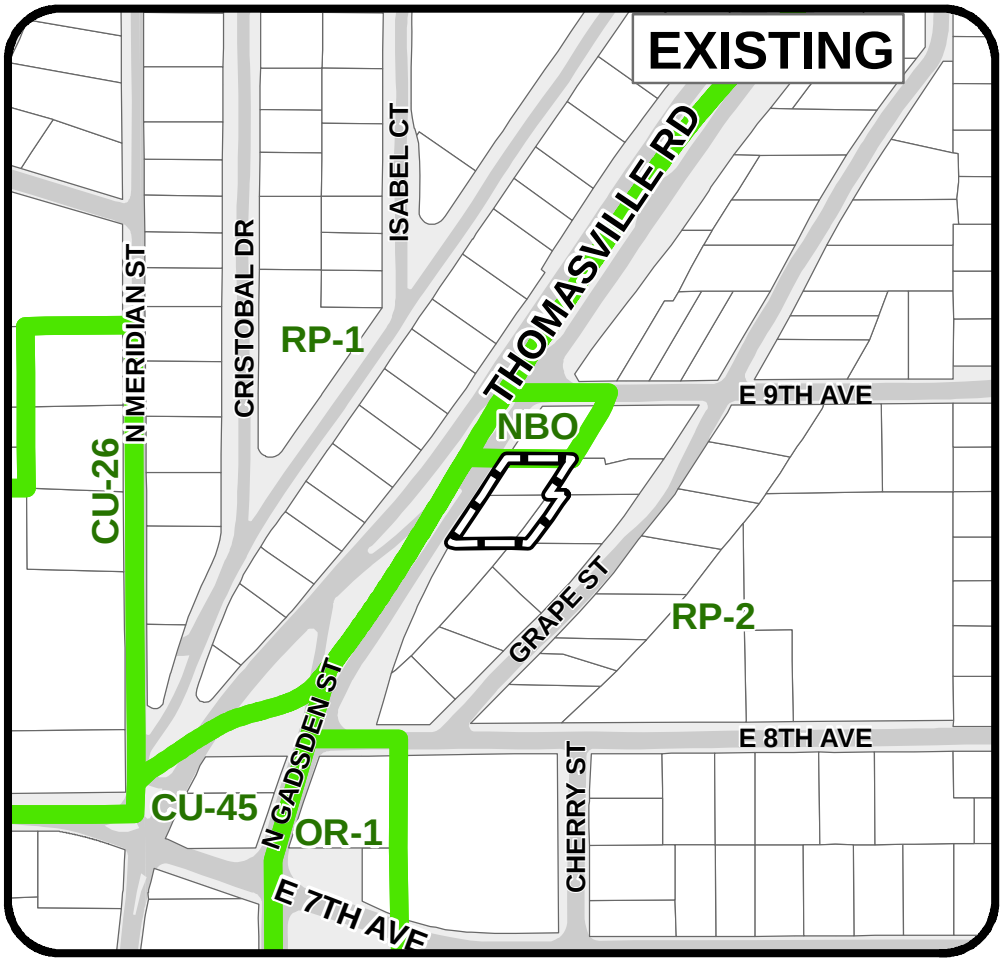
Proposed

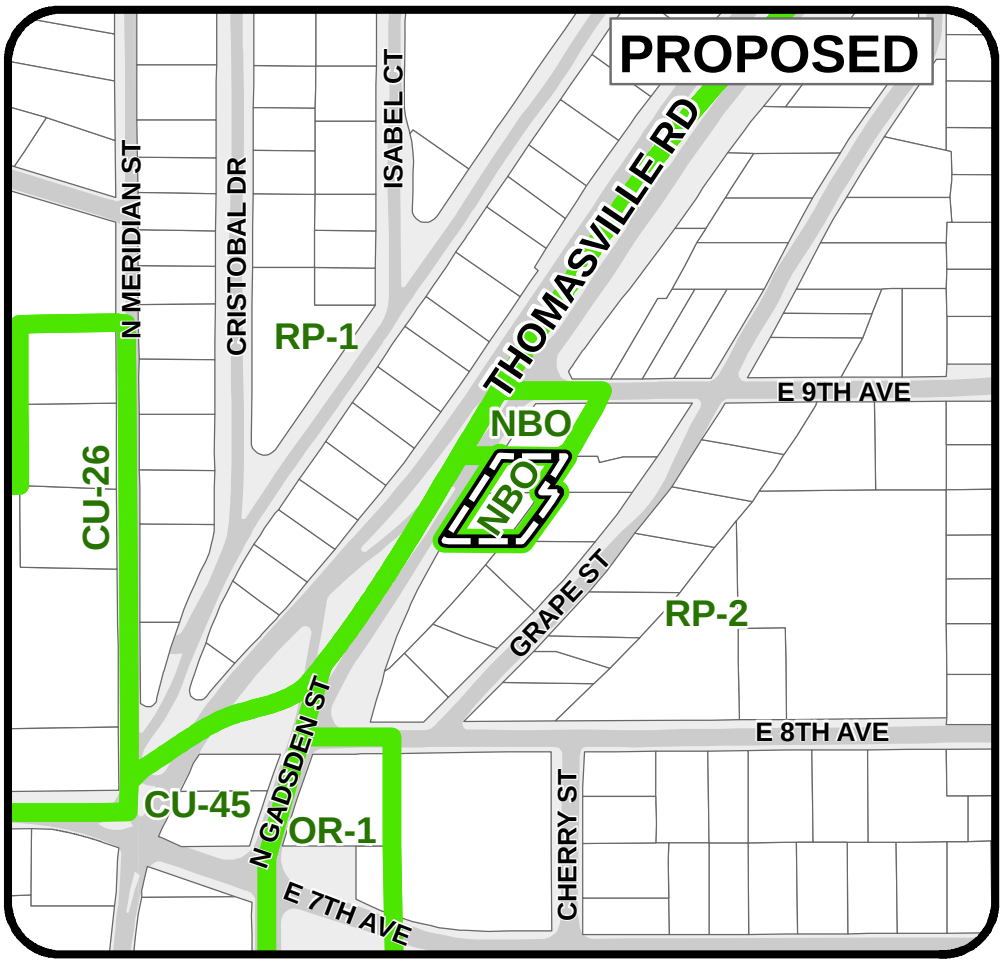
Neighborhood Boundary

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

ACRES: 0.38 ±

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





ZONING

Legend

Subject Parcel

zoning

9th Avenue and Thomasville Road PCM130107

City of Tallahassee

Existing

RP-2
(Residential Preservation-2)

Proposed

NBO
(Neighborhood Boundary)

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

ACRES: 0.38 ±

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

MAP AMENDMENT #: PCM130107

APPLICANT: City of Tallahassee

TAX ID NO: 11-30-57-000-0120, 11-30-57-000-0130, portion of 11-30-57-000-0220

CITY X COUNTY __

CURRENT DESIGNATION: Residential Preservation

REQUESTED DESIGNATION: Neighborhood Boundary

DATE: ~~January 9, 2013, Updated January 29, 2013~~ Updated March 27, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM130107.

A. SUMMARY:

This is a request to change the Future Land Use Map designation from Residential Preservation to Neighborhood Boundary on two adjoining parcels and a portion of a third adjoining parcel (approximately 0.38 acres) all owned by Marshal Cassedy Jr. and located approximately 100' south of the intersection of 9th Avenue and Thomasville Road.

On September 19, 2012, The City Commission approved a settlement agreement reached by Marshal Cassedy, the Special Master, City staff, and five neighborhood participants. The City Commission also revised the Board of Adjustment and Appeals Previously Existing Land Use Conformity (PELUC) Order to reflect the approved settlement agreement and directed the initiation of this Comprehensive Plan amendment as provided in the settlement agreement.

This is the third time some version of the subject property has been included in a Comprehensive Plan amendment request. The first was initiated by staff in 2006 based on an adjacent request from the former veterinary clinic site, the second was initiated in 2011 by the owner, and this third time was initiated by the City Commission based on the settlement agreement.

The staff recommendation for the Neighborhood Boundary category seeks to balance the historic commercial use of the parcels with protection of the significant residential investment that has occurred in the surrounding area over the past 20 years. **The owner has fully complied with the PELUC Order that reflects the items included in the settlement agreement.**

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. Meets the intent of Neighborhood Boundary as a transition land use intended to protect existing commercial and office uses and adjacent stable and viable residential areas.

~~2. Reinstates, but limits, commercial use designations that were in place prior to the City-wide rezoning in 1992.~~

~~3.~~2. Promotes walkable opportunities for small-scale employment, service opportunities, and housing, in close proximity to residential areas, and subject to mandatory design standards required to promote compatibility with adjacent residential development.

C. APPLICANT'S REASON FOR THE AMENDMENT:

The applicant is the City of Tallahassee. The intent of the proposed land use change is to make the land use and zoning designations more consistent with the long-term use of the property as a business, and to implement the terms of the settlement agreement as part of the Special Master's recommendation approved by the City Commission on September 19, 2012.

D. STAFF ANALYSIS:

Location

These two contiguous parcels and a portion of a third contiguous parcel are located approximately 100' south of the intersection of 9th Avenue and Thomasville Road on the east side of Thomasville Road.

History

The historical zoning atlas indicates the site was in the Automotive Commercial (C-4) zoning district prior to adoption of the Comprehensive Plan in 1990 and the City-wide rezoning in 1992 (Attachment #1). The Planning Department has previously indicated that inclusion of these parcels in the Residential Preservation district appears to have been in error.

This is the third time this property has been subject to a proposed land use and zoning change. The most recent proposed land use and zoning change was considered during the 2012-1 Cycle. A history of the proposed amendments from 1992 through 2012 is presented in Attachment #2. The applicant, who is also the property owner, proposed a land use and zoning change for parcels 11-30-57-000-0120, 11-30-57-000-0130, and 11-30-57-000-0140 to go from Residential Preservation to Neighborhood Boundary. This proposal was denied at the Joint City-County Commission Adoption Public Hearing on June 26, 2012, based in part on complaints brought by neighborhood residents who objected to the continuing use of an adjoining residential lot that provided access to Grape Street, which was temporarily blocked on the day of the Public Hearing.

At the same time this proposed comprehensive plan amendment was being considered, the applicant applied for a Certificate of Previously Existing Land Use Conformity (PELUC) for the properties being considered in the 2012-1 Cycle. A PELUC allows land uses legally established prior to adoption of the Comprehensive Plan on July 16, 1990, but made non-

conforming by the adoption of the Plan, to be certified as legally conforming. A PELUC allows a property owner to continue the present use of the property although the land use and zoning codes would not allow this use, and to also rebuild any structures to their existing form and use if they are more than 50 percent destroyed.

Based on direction given to staff by the Long Range Target Issue Committee on November 30, 2011, the City Commission voted on March 14, 2012 to waive the fees for a PELUC application addressing the two parcels upon which the hair salon and its adjacent parking area are located. The PELUC application was submitted to the City by the owner of the subject parcels. The Tallahassee – Leon County Board of Adjustments and Appeals (BOAA) reviewed this application at their regular meeting on April 12, 2012, and then voted unanimously to approve the PELUC with the following conditions:

1. That an 8 foot high opaque fence be erected along the rear property line of the site to buffer the adjacent residential lots from the hair salon; prevent use of the adjacent residential lot for parking; and prevent vehicular access across the residential lot;
2. That a fence or barrier be constructed along the southern property line to ensure containment of the use to the site.
3. That a unity of title uniting the lots be recorded and recognized by the Leon County Property Appraiser's office.
4. That changes to the parking lot and spaces resulting from the buffer fence installation be consistent with current code requirements.
5. That the existing dumpster be relocated consistent with current code requirements.
6. That the sign on Grape Street be removed.
7. That all conditions be completed within 30 days of the recording of the certificate.

On May 24, 2012, the applicant submitted a Request for Relief from the PELUC mitigation measures that halted the implementation time period for the PELUC. On September 7, 2012, Mr. Cassedy, his attorney, and his planner met with the Special Master, City staff, and five neighborhood participants to discuss the challenge. At the end of the meeting, the parties reached a settlement agreement as part of the Special Master's recommendation.

On September 19, 2012, this settlement agreement was reviewed by the City Commission with a staff recommendation to approve the agreement through a City Commission order and revising the PELUC Order consistent with the agreement. The settlement agreement and City Commission order was approved at that meeting, and the BOAA PELUC Order was revised and recorded in the public records of Leon County (Attachment #3).

The September 19, 2012 agenda item also included a request on behalf of Marshall Cassedy, the property owner, that the City Commission initiate a Comprehensive Plan amendment to change the Future Land Use Map designation to Neighborhood Boundary and the zoning to Neighborhood Boundary Office on a portion of the Grape Street residential lot shown in the settlement agreement, and on the two parcels used by the hair salon. This request was approved by the Commission at that meeting.

Subsequently, the Planning Department completed an application for the 2013-1 Comprehensive Plan amendment cycle on October 1, 2012 to change the Future Land Use Map category and zoning on Lots 12 and 13 and the portion of Lot 22, Hiway Park Subdivision, as provided in the settlement agreement.

On December 3, 2012, the City's Growth Management Department issued a Notice of Violation (NOV) to Mr. Cassedy based on the lack of progress on meeting the conditions of the Settlement Agreement as outlined in the PELUC Order. As of January 17, 2013, Mr. Cassedy was determined by the City Attorney's Office to have adequately met the requirements of the PELUC order. The NOV has subsequently been administratively dismissed.

Existing Land Use, Future Land Use Designation, and Zoning

Land Use

A hair salon is located on the northernmost parcel. A parking area for the salon is located on the adjacent parcel. That portion of the third parcel under consideration is used as part of the parking area.

Thomasville Road runs along the west side of the parcel. The property immediately north of the subject properties is an empty office building that used to be a veterinarian hospital, and the properties to the north (across 9th Ave.) and east of the site are single-family residential. A vacant lot immediately east of the hair salon previously provided vehicular access to Grape Street, but it has been blocked by a fence that sits approximately 22' east of the easternmost property line. That portion of this property that is west of the newly-installed fence is part of the subject properties under consideration for a proposed land use and zoning change.

Land Use Designation

The subject properties are currently designated Residential Preservation (RP) on the Future Land Use Map. The RP land use category is characterized by existing homogeneous residential areas within the community predominantly accessible by local streets. The primary function of this category is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions.

Future development primarily will consist of infill due to the built out nature of the areas. Commercial, office, and industrial land uses are prohibited. Future arterial and/or expressways should be planned to minimize impacts within this category. Single family, townhouse and cluster housing may be permitted within a range of up to six units per acre. Consistency with surrounding residential type and density shall be a major determinant in granting development approval.

Zoning

The subject properties are currently zoned Residential Preservation 2 (RP-2). The RP-2 Zoning District is intended to apply to residential development in areas designated "Residential Preservation" on the Future Land Use Map, preserving the low density residential character of single-family, two-unit townhouse, and duplex residential development, protecting from incompatible land uses, and prohibiting densities in excess of

six (6.0) dwelling units per acre. RP-2 zoning also allows passive and active recreation, community services, and light infrastructure. The RP-2 zoning would allow 1 dwelling unit on each of the three subject properties.

Proposed Future Land Use Designation and Zoning

Proposed Land Use Designation

This amendment proposes to change the Comprehensive Plan Future Land Use Map designation on the subject property from Residential Preservation to Neighborhood Boundary. The intent of this land use category is to create a transition area between residential development and more intensive development such as multi-family and non-residential development, while still preserving roadway capacity through access management practices. This category is limited to properties adjacent to existing and future residential neighborhoods and on roads with high traffic volumes. For properties located at an arterial/local, arterial/major collector, or arterial/minor collector intersection, non-residential development must front the arterial road. The land development regulations also specify specific vehicular access.

Allowable uses in areas designated NB include:

- Low-density residential, including duplexes, townhomes, triplexes, and quadraplexes; and
- Non-residential development scaled to serve the surrounding neighborhood such as limited retail, offices, bed and breakfast inns and community services. Auto-oriented uses, such as gas stations or any other use having drive-through facilities, are not allowed in order to protect neighborhoods from any negative impacts associated with increased vehicular traffic.

The maximum density limit is eight (8) dwelling units per acre. Mandatory design standards for new development, which are embedded in the NBO zoning regulations, are intended to promote compatibility with adjacent residential development. These design standards address roof styles, building scale, color, exterior building materials, front setbacks, architectural style, buffering, landscaping, solid waste disposal, parking, lighting, and signs.

Proposed Zoning

The applicant has requested Neighborhood Boundary Office (NBO) zoning for the subject properties. The Neighborhood Boundary Office (NBO) district is intended to be located in areas designated as Neighborhood Boundary on the Future Land Use Map of the Comprehensive Plan and shall apply to areas located on the edges of existing or planned single-family attached and detached residential neighborhoods fronting arterial and collector roadways.

The NBO district is intended to provide minor office opportunities serving the immediate area and higher intensity residential land uses while providing a transition between the residential development and more intensive development, and to preserve roadway capacity through appropriate access management. The intent of these access management requirements is to reduce access points along the roadway system, provide interconnectivity

between non-residential developments (within this land use category), and encourage convenient walk-to work opportunities in close proximity to the residential areas it will serve.

The NBO district cannot be applied to the interior of an existing neighborhood, nor in areas designated as Lake Protection on the Future Land Use Map of the Comprehensive Plan. It is not intended to accommodate large scale office development. Personal services (including hair salons), medical clinics, bail bonds, and payday loan offices are prohibited.

In addition, the NBO district shall not exceed 350 feet in depth parallel to the arterial or collector roadway in which it fronts or one (originally) platted lot whichever is less. The maximum gross density allowed for new residential development in the NBO district is eight (8) dwelling units per acre.

Multimodal Transportation District and Neighborhood Boundary Office Zoning

In 2007, the Planning Department began the process of developing the Multimodal Transportation District (MMTD). The MMTD is an 18-square mile area (Attachment #4) that encompasses the downtown and surrounding areas of Tallahassee. It is intended to help create a more compact, pedestrian-oriented mixture of neighborhoods and commercial center, allowing independence to those who do not drive; an interconnected network of roadways designed to disperse traffic and reduce the length of automobile trips; and neighborhoods with a range of housing types to accommodate diverse ages and incomes.

The MMTD, also known as the Mobility District, was adopted in 2009, and its implementing development code was adopted in 2011. Compatibility is one of the main goals in creating a successful mix of land uses, and it incorporates many features found in the development standards that are part of NBO.

As stated in Section 10-266 of the City's Land Development Code addressing the NBO zoning district, the development standards for properties located within the MMTD are established within Division 4 (MMTD Development Standards) of this Code. The subject properties are located within the MMTD.

The NBO zoning district intent and permitted uses established under Section 10-266 are not affected by the MMTD Code. However, there are several differences between development standards under the ~~former~~ NBO code and those under that part of the MMTD code that addresses all properties within the MMTD area. Differences and conflicts in code are guided by Section 1-2 of the City's Land Development Code. This section states that when two regulations conflict, the more restrictive shall apply. In the case of NBO zoning and the MMTD overlay, MMTD regulations are intended to apply. However, the building height restriction in NBO allows only two stories, while MMTD allows three stories. Based on Section 1.2, the two-story NBO height limit prevails because it is more restrictive. Other provisions in the NBO code not addressed in the MMTD remain in force unless there are other ordinances, regulations, and standards that expressly supersede the zoning code.

Commonalities and differences between the two development standards are briefly summarized in the following points:

1. Building setbacks are mostly similar.
2. Buffers are required in NBO for townhomes (single-family attached) and minor office uses developed adjacent to existing single-family (detached). An additional, narrower

option is available in the MMTD, but buffers are only required for non-residential uses only.

3. The maximum height under MMTD for principal buildings is three stories, whereas under NBO it was two stories. However, RP also allow 35 feet high (3-story) structures~~, which is why the MMTD code allows 3~~.
4. The maximum building size for non-residential structures is mostly similar.
5. Building orientation requirements are mostly similar.
6. Lighting standards are similar, but there are additional requirements under MMTD.
7. Street access and interconnections are mostly similar.
8. Fencing and/or screening are mostly similar.
9. Compatibility requirements under NBO were intended to provide a unified sense of place, a pedestrian scale, and design that reflects the general character and scale of typical residential structures in adjacent neighborhoods. MMTD compatibility requirements for structures adjacent to low-density neighborhoods address building height, including requiring setbacks.
10. Signage requirements are mostly similar. However, there are several additional restrictions under NBO.
11. ~~Several~~ N~~n~~oise, business hours, and solid waste limitations ~~and other requirements~~ exist in ~~the~~ NBO ~~zoning district~~ that are not present under that portion of the MMTD which addresses areas zoned as NBO. However, these provisions remain enforceable where there are no conflicts with any other regulations.

A comparison of development standards in Section 10-266 and Division 4 is attached to this report (Attachment #5).

E. ENVIRONMENTAL FEATURES & IMPACT ON INFASTRUCTURE:

Environmental Features

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

Water/Sewer

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

Roadways

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

The subject properties are already in use commercially, and a change in use will not adversely impact the roadway capacity. The subject properties are located within the Multimodal Transportation District.

The MMTD is established in the Mobility Element by Policy 1.1.9., and extends out to Bradford and Betton roads north of Mid-town. The purpose of the MMTD is to promote walking, bicycling, and transit use in order to reduce dependence on the automobile. (Roadways and associated rights-of-way shown as boundaries for the MMTD are considered part of the MMTD.)

Policies in the MMTD call for land uses that provide appropriate densities, intensities and mixture of land uses to support 18-hour activity and multimodal transportation based on land use mix targets and to facilitate walking and bicycling as an alternative to driving. Transit is a component of the MMTD where redevelopment in the urban center is encouraged to have 10 minute headways for buses.

Urban design standards to encourage energy efficiency and livability include pedestrian oriented blocks, easy access transit stops, compatibility measures between land uses, transparency of uses, use of sidewalks, and parking standards to discourage single-occupancy vehicles. Transit commitments and requirements for "complete streets" are part of the MMTD.

Transit Availability:

The subject properties are located on the "Dogwood" StarMetro route and approximately 200' from the "Gulf" route.

Bicycle/Pedestrian Facilities Availability:

Thomasville Road has a sidewalk on the east side of the road next to the subject properties.

School Information:

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

School Name	Sullivan Elementary	Cobb Middle	Leon High
Potential Students Generated	2	1	1
Present Capacity	83	159	24
Post Development Capacity	81	158	23

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

F. VESTED / EXEMPT STATUS: None.

G. MAJOR PLANNING ISSUES:

Applicability of the Existing Residential Preservation Category

The primary function of the Residential Preservation category is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions. Criteria measuring the stability and viability of residential areas include:

- Degree of existing land uses that are residential.
- Locality of automotive traffic.
- Predominance of residential uses fronting on local streets.
- Relatively safe internal mobility.
- Densities generally of six units per acre or less.
- Presence of sidewalks.
- Existing residential type and density exhibiting relatively homogeneous patterns.
- Degree of home ownership.
- Existence of neighborhood organizations.
- Degree of owner-occupied residential units.
- Little or no history of rezoning.

A previous study of this area by Planning staff to evaluate the viability and stability of residential uses found that the residential area meets a majority of the evaluative criteria, whereas the subject properties meet approximately half of the criteria for inclusion in Residential Preservation.

Traffic Issues in the Surrounding Area

Several transportation issues are associated with the subject site. A significant volume of traffic passes by the subject parcels on Thomasville Road, and there have been several speeding and cut-through issues in the residential area east of the subject parcels. City Public Works staff have begun discussions of potential options for addressing traffic engineering issues in this part of Mid-town, including the area where traffic on Gadsden Street going north merges onto Thomasville Road just north of 9th Avenue. However, at this time, there are no firm plans that have been established, and no funding is currently designated for any related capital improvements in this area.

Staff recommends that local government move forward first with a decision regarding the appropriate Future Land Use designation in order to appropriately address existing transportation design issues.

Local Planning Agency Review

The Local Planning Agency (LPA) reviewed this proposed amendment at its workshop on January 17, 2013. LPA members asked about the safety issues associated with access to the subject properties from Thomasville Road, including both southbound and northbound. Staff's response was that Thomasville Road is under the responsibility of the Florida Department of Transportation (FDOT), and that the City's Public Works Department is continuing to coordinate with FDOT to address these and other safety and access issues along this roadway.

H. CONCLUSION:

Based on the above data and analysis, Planning Department staff recommends approval of the amendment request for the following reasons:

1. Meets the intent of Neighborhood Boundary as a transition land use intended to protect existing commercial and office uses and adjacent stable and viable residential areas.

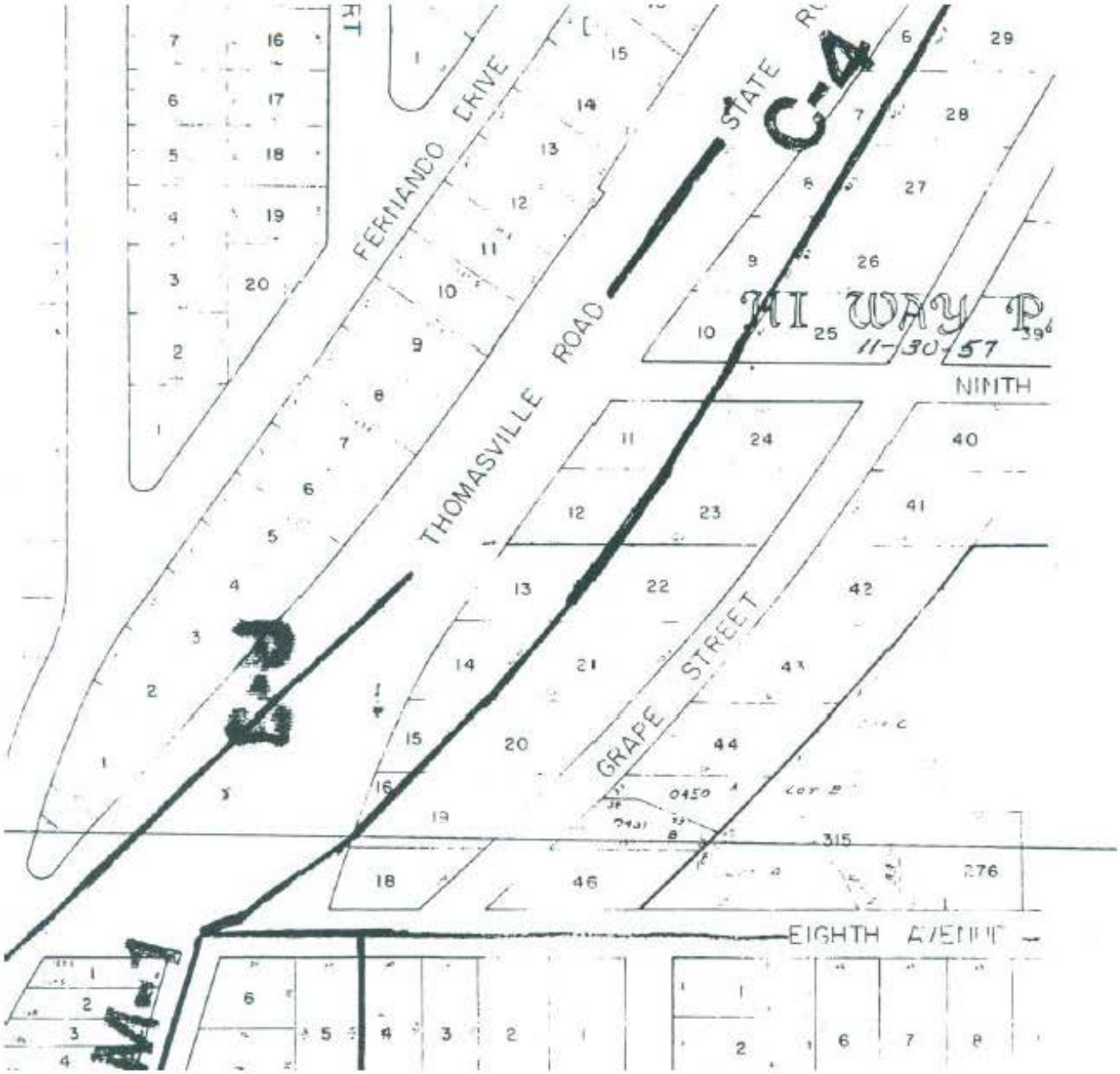
~~2. Reinstates, but limits, commercial use designations that were in place prior to the City-wide rezoning in 1992.~~

~~3.~~2. Promotes walkable opportunities for small-scale employment, service opportunities, and housing, in close proximity to residential areas, and subject to mandatory design standards required to promote compatibility with adjacent residential development.

I. ATTACHMENTS

Attachment #1: Historic Zoning Map
Attachment #2: History
Attachment #3: PELUC Order
Attachment #4: MMTD Map
Attachment #5: Comparison of Development Standards in Section 10-266 and Division 4 of the City's Land Development Code

Historic Zoning (Pre-1990)



History

Zoning History

Pre 1990:	C-4 Zoning (Automotive Commercial) consistent with Comprehensive Plan.
July 1990:	New Comprehensive Plan adopted and FLUM became Residential Preservation with C-4 Zoning.
March 1992:	City wide rezoning to implement the Comprehensive Plan, zoning on site changed to RP-2 (Residential Preservation-2). The zoning has remained unchanged since 1992.

Ownership History

March 1997:	Mr. Cassedy purchased parcel 1130570000120 (existing hair salon building).
April 1997:	Mr. Cassedy purchased parcels 1130570000130 and 1130570000220 (parking lot and Grape Street access).
July 2004:	Mr. Cassedy purchased parcel 1130570000140 (southern forested triangle).

2007-1 Proposed Comprehensive Plan Amendment History

July 2006:	Allied Veterinarian Services applied for a Comprehensive Plan amendment to parcel 1130570000110 (corner of 9th and Thomasville).
August 2006:	Staff recommended changing the Future Land Use Map designation of the Allied Veterinarian Services parcel and three parcels owned by Mr. Cassedy from Residential Preservation to Suburban with Office Residential 1 (OR-1) zoning.
October 2006:	Local Planning Agency (LPA) voted 2-2 to deny this amendment. LPA members stated the amendment was denied due to the overall need for residential vs. commercial in the area and to promote the success of the area as a stable and affordable neighborhood that requires protection by the Comprehensive Plan provisions for neighborhood protection.
February 1, 2007:	City Commission transmitted a compromise plan between Allied Veterinarian Services and the Mid-Town Neighborhood Association to change the parcel just north of the parcels owned by Mr. Cassedy to Neighborhood Boundary. The Neighborhood Association and Mr. Cassedy did not agree to a mutually acceptable Future Land Use designation and zoning category for his three parcels. The motion passed at this meeting is included below *"On behalf of the City, City Commissioner Lightsey moved to act only on the applicant's property and try to work with the compromise and prohibit the interconnection, recognizing the obligation to move forward to study*

what would happen on the other three parcels because something viable must be allowed on that property. City Commissioner Katz seconded the motion."

April 4, 2007: Based on the direction provided at the February 1, 2007 Transmittal Hearing, Planning staff provided an implementation plan to the Long Range Target Issues Committee (LRTIC) that addressed the 1) FLUM designation on the Allied Veterinarian Services site, 2) prohibition of interconnection, and 3) moving forward with a traffic study for the parcels owned by Mr. Cassedy. Planning staff was directed to continue moving forward with the ordinances needed to address items 1 and 2. Commissioners also provided the following directions:

- Provide a traffic accident rate study at the merging intersection of Thomasville Road and Gadsden Street.
- Provide a speed study and traffic count.
- Need to determine the safety issue first and then address the land use issue.

May 8, 2007: City Commission approved the Comprehensive Plan amendment to Neighborhood Boundary on the Allied Veterinarian Services site (4-0).

May 10, 2007: The LRTIC engaged in a brief discussion with Public Works staff regarding traffic safety near 9th Avenue and Thomasville and directed staff to provide further information regarding safety, compatibility and development within this intersection. The item was scheduled to return in June 2007

May 23, 2007: City Commission approved an ordinance to amend the Neighborhood Boundary Office zoning district to address compatibility with adjacent residential uses. This included the prohibition of interconnection issue identified at the February 1, 2007 Transmittal Hearing.

June 6, 2007: LTRTIC meeting canceled and items continued to July.

July 2, 2007: LRTIC did not accept Public Works recommendations for structural changes to modify traffic patterns near the property owned by Mr. Cassedy. Additionally, the LRTIC did not direct staff to file a Comprehensive Plan amendment on behalf of Mr. Cassedy. The Planning Department had no pending action items after this meeting.

Nov. 30, 2011: The LRTI Committee met on Wednesday, November 30, 2011. The Committee directed staff to:

1) Prepare an agenda item for the City Commission requesting a waiver of the fees associated with a Certification of Previously Established Land Use Conformity (PELUC) for the two parcels upon which the hair salon and its adjacent parking area are located.
2) Do not request a waiver of the comprehensive plan amend fees.
3) Do not have the City Commission initiate the Comprehensive Plan amendment.
4) Try to address the issue of parking and access via the parcel fronting on Grape Street.
5) Try to address what could be done with the parcels if joined by a unity of title.

March 14, 2012: City Commission voted on to waive the fees for a PELUC application addressing the two parcels upon which the hair salon and its adjacent parking area are located.

April 12, 2012: Tallahassee – Leon County Board of Adjustments and Appeals (BOAA) reviewed this application at their regular meeting on April 12, 2012. The BOAA voted unanimously to approve the PELUC with conditions.

May 24, 2012: Marshall Cassedy submitted a Request for Relief from the PELUC mitigation measures that halted the implementation time period for the PELUC.

June 26, 2012 Second proposed land use and zoning change for parcels 11-30-57-000-0120, 11-30-57-000-0130, 11-30-57-000-01402012-1 was denied at the Cycle 2012-1 Joint City-County Commission Adoption Public Hearing based in part on complaints brought by neighborhood residents who objected to the continuing use of an adjoining residential lot that provided access to Grape Street, which was temporarily blocked only on the day of the Public Hearing.

September 7, 2012: Mr. Cassedy, his attorney, and his planner met with the Special Master, City staff, and five neighborhood participants to discuss the challenge. At the end of the meeting, the parties reached a settlement agreement as part of the Special Master's recommendation.

September 19, 2012: The settlement agreement was reviewed and approved by the City Commission, who issued an order accepting the settlement agreement and revising the PELUC Order consistent with the settlement agreement.

The City Commission also initiate a Comprehensive Plan amendment to change the Future Land Use Map designation to Neighborhood Boundary and the zoning to Neighborhood Boundary Office on a portion of the Grape Street residential lot shown in the settlement agreement, and on the two parcels used by the hair salon.

October 1, 2012: The Planning Department completed an application for the 2013-1 Comprehensive Plan amendment cycle on to change the Future Land Use Map category and zoning on Lots 12 and 13 and the portion of Lot 22, Hiway Park Subdivision, as provided in the settlement agreement.

December 3, 2012: City Growth Management Department issued a Notice of Violation (NOV) to Mr. Cassedy based on the lack of progress of on meeting the conditions of the Settlement Agreement as outlined in the PELUC Order.

20120069149 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 4427 PG: 1366,
10/10/2012 at 02:34 PM, BOB INZER, CLERK OF COURTS

TALLAHASSEE-LEON COUNTY
BOARD OF ADJUSTMENT AND APPEALS
AS REVISED BY THE CITY COMMISSION
SEPTEMBER 19, 2012
PURSUANT TO A SPECIAL MASTER PROCEEDING

Marshall R. Cassedy, Jr.,
Applicant

CASE NO. TVA120005

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING A PREVIOUSLY ESTABLISHED LAND USE CONFORMITY CERTIFICATE

This case came for public hearing before the Tallahassee-Leon County Board of Adjustment and Appeals on April 12, 2012 on the request of the Petitioner for a Previously Established Land Use Conformity (PELUC) Certificate pursuant to Section 10-105 of the City of Tallahassee Land Development Code. The Board having heard testimony and received evidence, and being otherwise fully advised in the premises, issues its findings of fact, conclusions of law, and order in this case as follows:

FINDINGS OF FACT

1. That Marshall R. Cassedy, Jr, is the owner of the subject property and was served notice of these proceedings.

2. That notice was given at least five (5) calendar days in advance of the hearing to the general public by publication in a newspaper of regular and general circulation in Tallahassee and Leon County on April 2, 2012 and to 26 owners of property within two hundred feet of the subject property by written notification, and that the property was posted in accordance with Section 2-164(2) (Posting of property required), *TLDC.*

3. That the subject property of these proceedings is identified by Leon County tax parcels # 11-30-57-000-0120 & 11-30-57-000-0130 and is located at 1447 Thomasville Road, Tallahassee, Florida.

4. That the zoning of the property on which the current hair salon use is located is RP-2, a residential zoning district. The RP-2 zoning was instituted in 1992 and hair salons are not permitted in this zoning district.

5. That the hair salon use was established as a legal use and was in existence on July 16, 1990.

6. The waiver provisions requested by this application to the Board of Adjustment and Appeals are for an existing nonconforming land use, and is not for the waiver of any other development standards or criteria contained within the City of Tallahassee land development ordinances and regulations.

UNOFFICIAL DOCUMENT

7. The subject hair salon use is classified as neither Heavy Infrastructure nor Heavy Industrial use.

CONCLUSIONS OF LAW

The Board of Adjustment and Appeals determined that the subject property is consistent with Land Use Policy 1.5.1 of the 2010 Comprehensive Plan and Section 10-105 of the City of Tallahassee Land Development Code based on the following:

1. The impact of the subject property's nonconformity is minimal upon surrounding land use and is not detrimental to the health, safety and welfare.

2. The subject property meets the requisite criteria in the City of Tallahassee Land Development Code for issuance of a PELUC Certificate.

3. The subject property's nonconforming status was occasioned by the change in zoning classification exclusively, and not through the actions of the Petitioner.

ORDER

Based upon the findings of fact, conclusions of law, and pursuant to Ordinance 94-O-0024, by Motion and duly seconded, which carried by a vote of 6 in favor to 0 opposed, it is hereby ORDERED:

1. That a Previously Established Land Use Conformity (PELUC) Certificate be issued to the Petitioner with the following conditions:

   a. That an 8 foot high opaque fence be erected east of the rear property line of Lot 13, as shown on Exhibit A attached hereto and made a part hereof, to: buffer the remainder of the adjacent residential lot east of the fence ("adjacent residential lot") from the hair salon; prevent use of the adjacent residential lot for commercial parking; and prevent vehicular access across the residential lot to the commercial site.
   b. That a fence or barrier be constructed along the southern property line to ensure containment of the nonconforming use to the site.
   c. That a unity of title uniting the two lots identified above in Finding of Fact #3 be recorded and recognized by the Leon County Property Appraiser's office.
   d. That changes to the parking lot and spaces for the hair salon resulting from the buffer fence installation be consistent with current code requirements.
   e. That the existing dumpster be relocated consistent with current code requirements.
   f. That the off-site directional sign on Grape Street for the hair salon be removed.
   g. That all conditions be completed within 30 days of the recording of the certificate.

REVISED BY ACTION OF THE CITY COMMISSION PURSUANT TO CITY COMMISSION POLICY 414, SPECIAL MASTER PROCEEDINGS, ON WEDNESDAY, SEPTEMBER 19, 2012.

DONE AND ORDERED this 5TH day of OCTOBER, 2012, nunc pro tunc, September 19, 2012.

UNOFFICIAL DOCUMENT

TVA120005
Page 3

Tallahassee-Leon County
Board of Adjustment and Appeals

By: Jay Bostwick
Jay Bostwick, Chair

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 5th day of October, 2012 by Jay Bostwick, Chair of the Tallahassee-Leon County Board of Adjustment and Appeals, who is personally known to me and who did take an oath.

TAMMY MARIE JIMENEZ
Commission # DD 855564
Expires May 19, 2013
Bonded Thru Troy Fain Insurance 800-385-7019

NOTARY PUBLIC STATE OF FLORIDA

Sign: Tammy Marie Jimenez

My Commission Expires: 5-19-2013

Approved as to form and legal sufficiency:

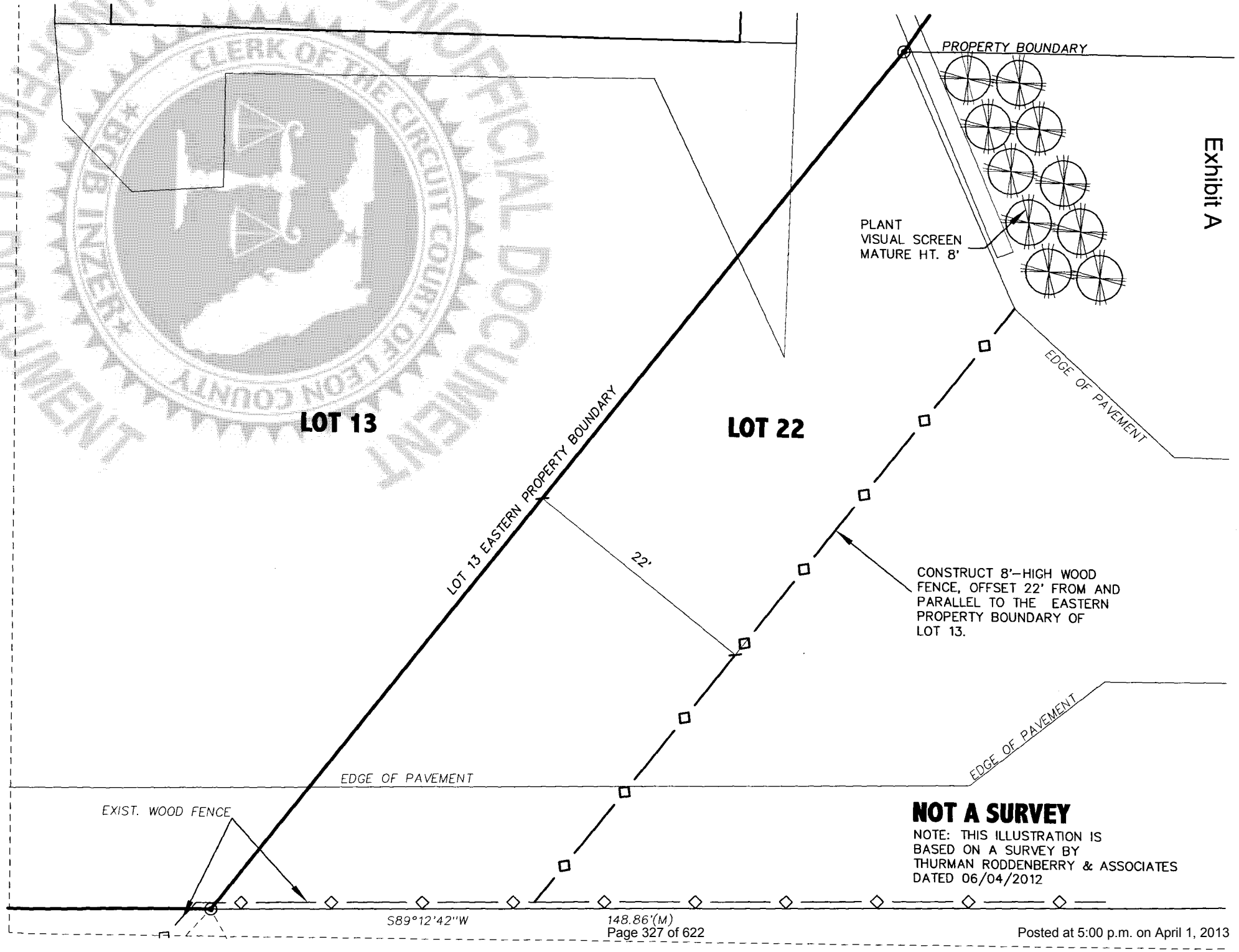
Roosevelt Randolph, Board legal counsel.

Filed in the City of Tallahassee official records on: 10-5-2012

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT OF LEON COUNTY
BOB INZER

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT
BRENTON COUNTY

Exhibit A

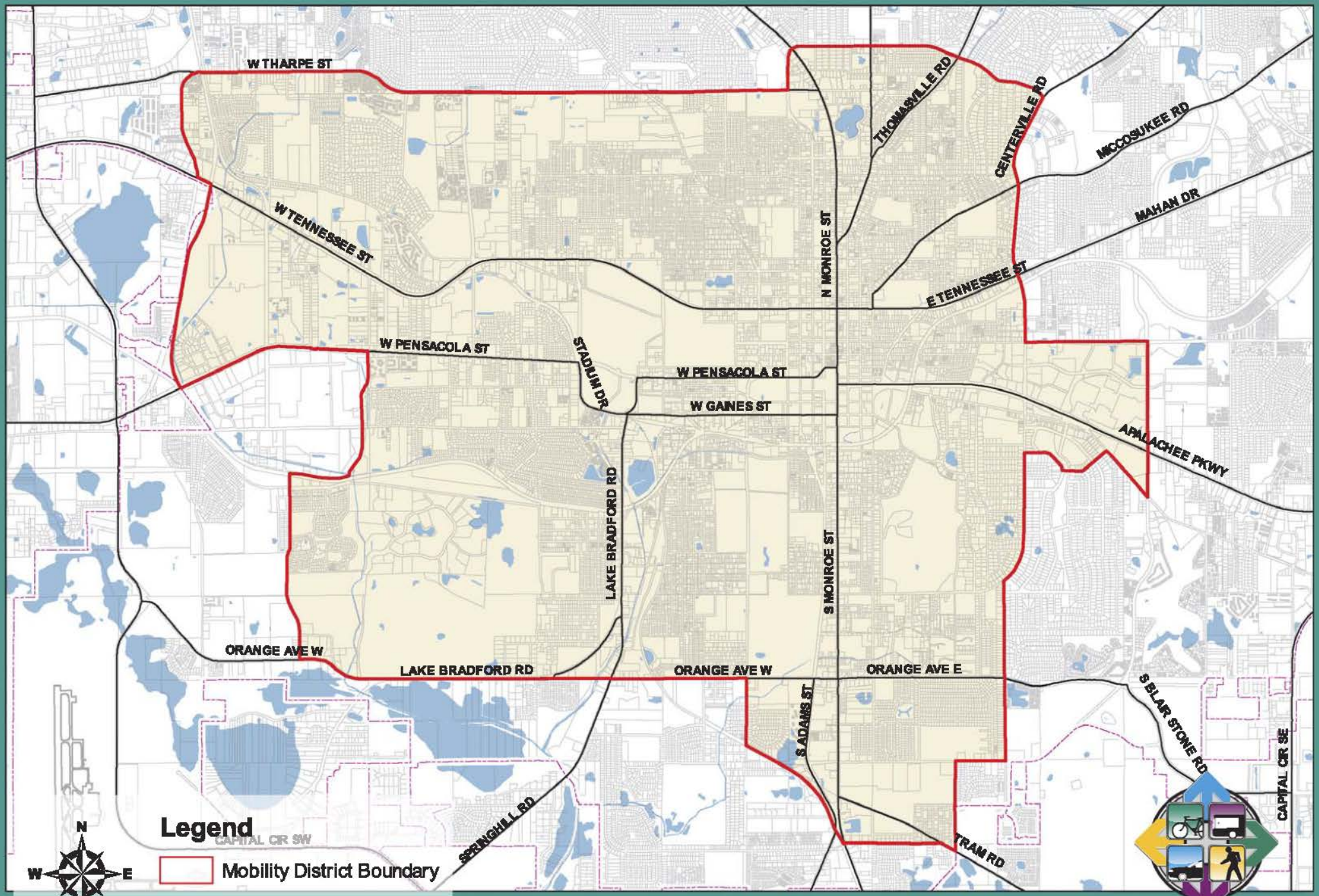


NOT A SURVEY

NOTE: THIS ILLUSTRATION IS BASED ON A SURVEY BY THURMAN RODDENBERRY & ASSOCIATES DATED 06/04/2012

Posted at 5:00 p.m. on April 1, 2013

MOBILITY DISTRICT



TALLAHASSEE/LEON COUNTY
MOBILITY DISTRICT

Multimodal Transportation District

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1. Building setbacks are mostly similar.
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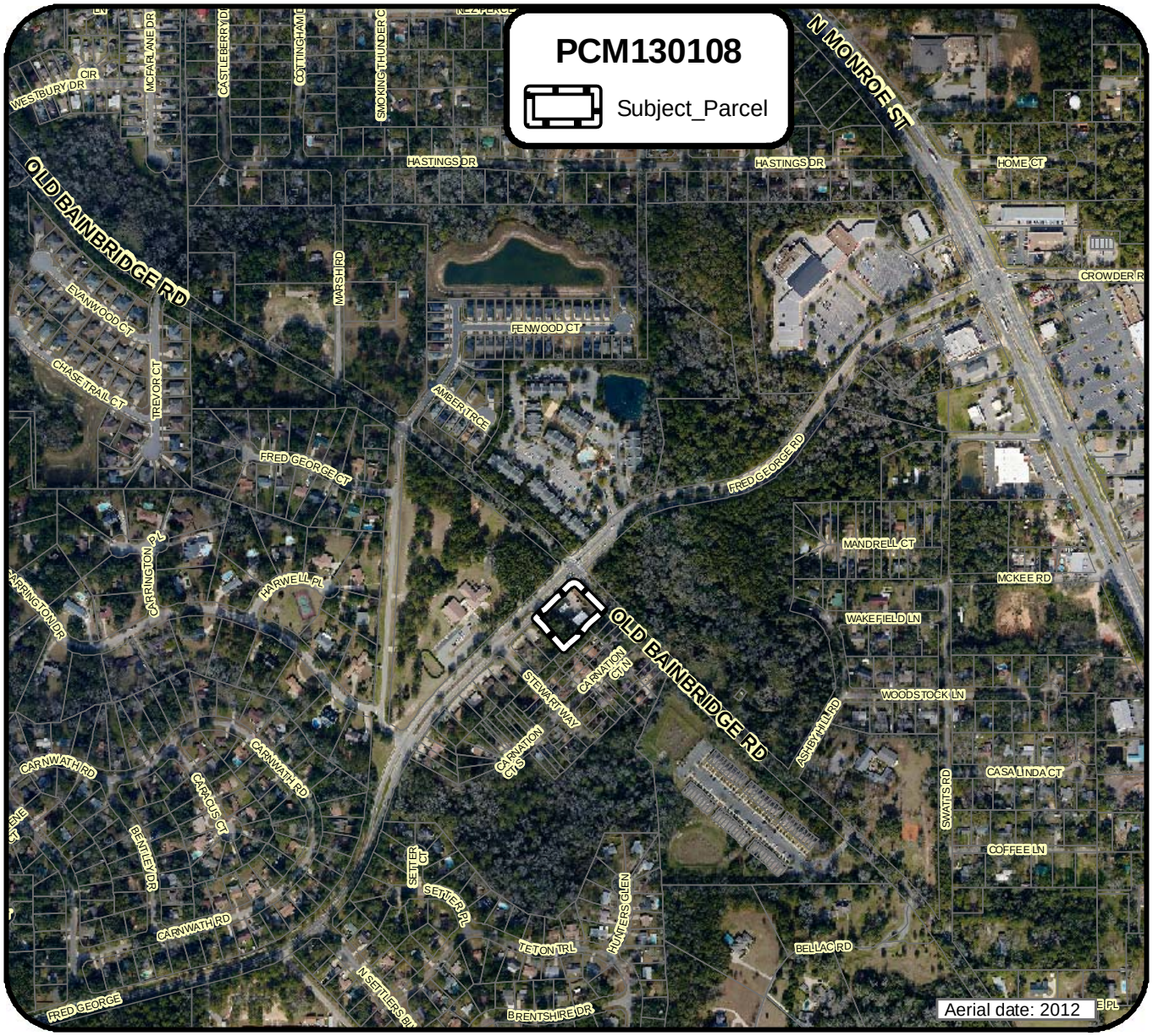
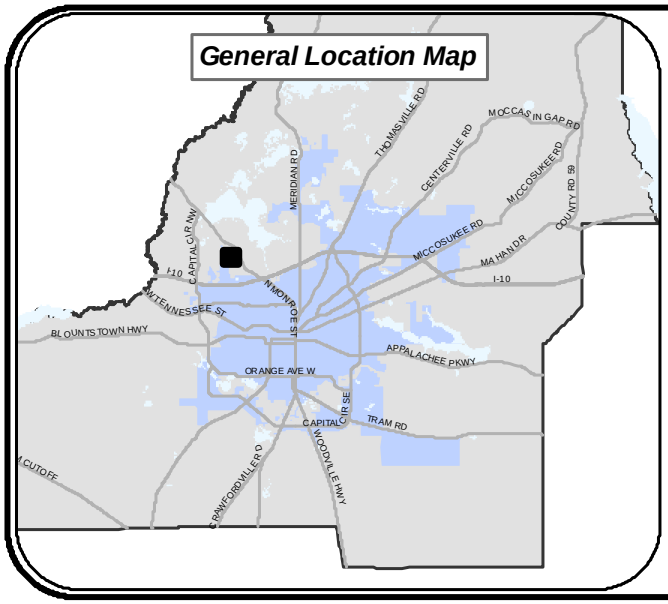


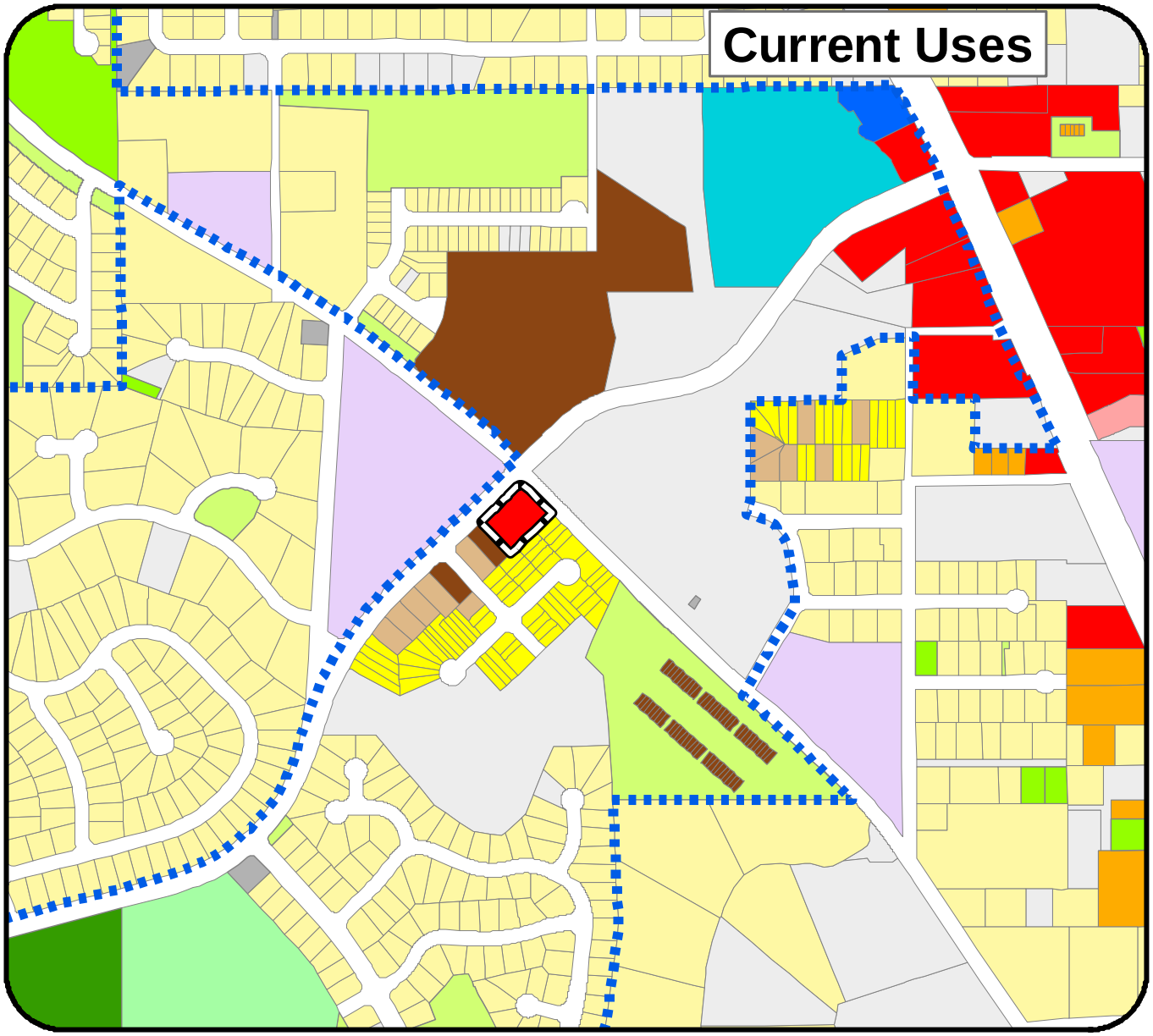


Fred George and Old Bainbridge Road PCM130108

City of Tallahassee

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

ACRES: 1.0 ±



Legend

Subject_Parcel

City Limits

Current Uses (Oct. 2012)

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

Fred George and Old Bainbridge Road PCM130108

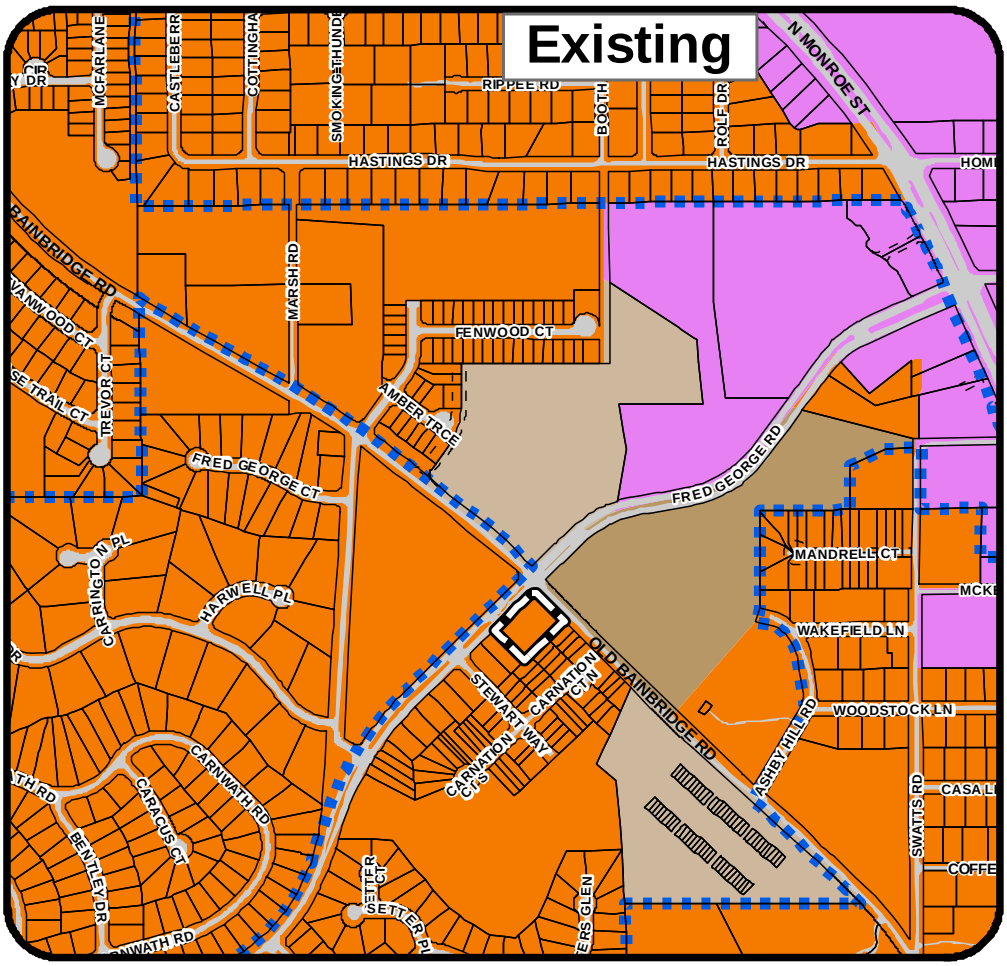
City of Tallahassee

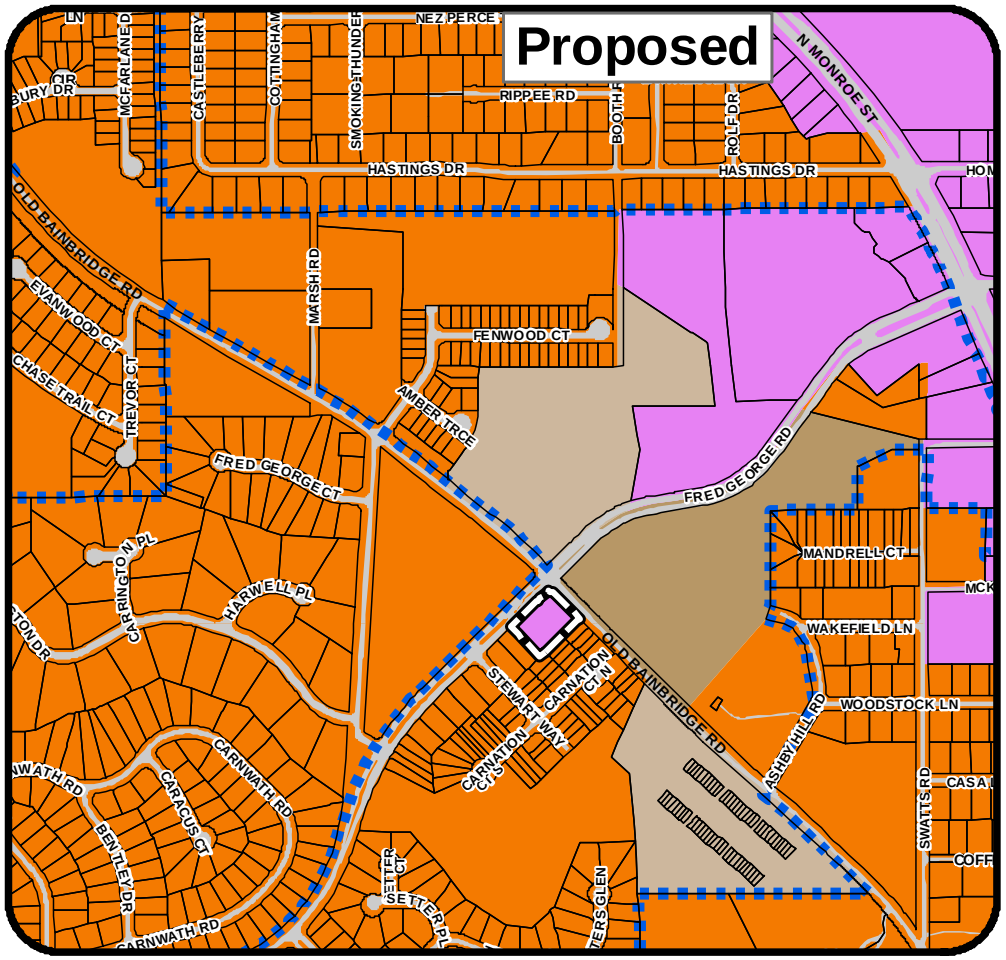
SITE TAX ID# 21-09-47-000-0010

ACRES: 1.0 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT

N W E S





Future Land Use

Legend

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

Subject Parcel

Fred George and Old Bainbridge Road PCM130108

City of Tallahassee

Existing

Residental Preservation

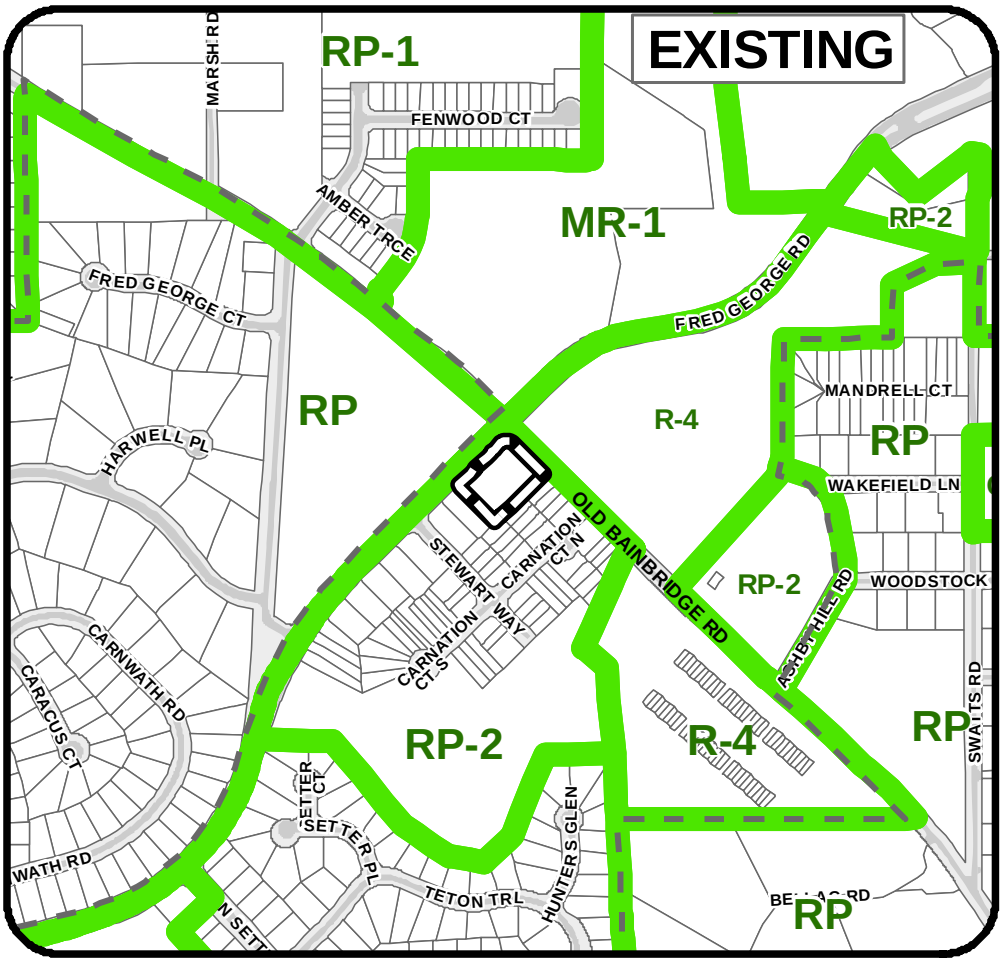
Proposed

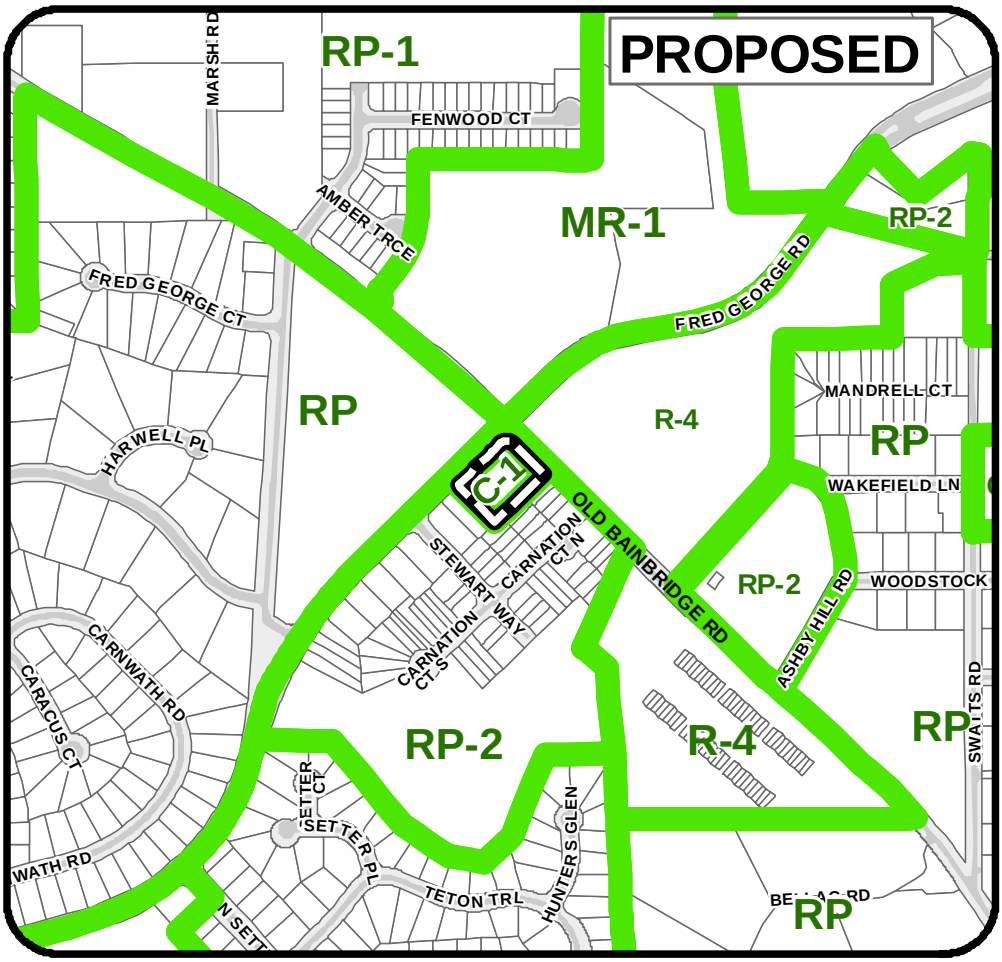
Suburban

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

ACRES: 1.0 ±

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





ZONING

Legend

Subject Parcel

zoning

Fred George and Old Bainbridge Road PCM130108

City of Tallahassee

Existing

RP-2
(Residential Preservation-2)

Proposed

C-1
(Neighborhood Commercial)

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

ACRES: 1.0 ±

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

MAP AMENDMENT: PCM130108

APPLICANT: City of Tallahassee

TAX I.D. #: 21-09-47-000-0010

CITY X COUNTY _

CURRENT DESIGNATION: Residential Preservation

REQUESTED DESIGNATION: Suburban

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM130108.

A. SUMMARY:

This is a request from the City of Tallahassee, on behalf of the owner, Andrews Enterprises Inc. (Jack Buford, Agent), to change the Future Land Use Map designation from "Residential Preservation" to "Suburban" for an approximately one-acre parcel located on the southwest corner of Fred George Road and Old Bainbridge Road (Attachment #1). This property presently contains a 1,973 square-foot convenience store built in 1987 in accordance with the former Huntington Woods Development of Regional Impact (DRI) development order.

The Huntington Woods DRI was a 944-acre mixed-use development originally approved in 1974, and essentially built-out by 2010. On June 23, 2010, the City Commission rescinded the Huntington Woods DRI development order because it no longer served any useful purpose (See Attachment #2 for complete history). After the development order was rescinded, the Future Land Use Map (FLUM) categories and implementing zoning districts provided the land use regulation for the property within the former DRI.

However, the Residential Preservation FLUM category, and associated Residential Preservation-2 (RP-2) zoning district for the subject property does not accurately reflect the existing (and intended) use of the property as a neighborhood convenience store. The Residential Preservation FLUM and the RP-2 zoning district only permit low density residential land uses and community services. Therefore, the existing convenience store use of the property is a non-conforming use. The non-conforming status of the property allows the convenience store to continue to operate under the existing ownership, but a pending sale of the property would require a new liquor license in order to continue beer sales. A new liquor license cannot be issued in a Residential Preservation zoning district. In addition, the non-conforming status puts other limitations on the property, which may adversely affect the value of the property.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed Suburban land use category and C-1 zoning district reflects the existing development of the property. It is also consistent with the intent of the former Huntington Woods DRI development order to provide a small commercial node at a major intersection to provide nearby residents with the opportunity to purchase convenience goods without leaving the area.

2. The proposed FLUM and zoning change would correct the existing non-conforming status of the convenience store on the site, and therefore, allow the transfer of ownership of the property without adversely impacting the ability of the convenience store to sell beer or be encumbered by other restrictions associated with the legal non-conforming status of the property.

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

C. APPLICANT'S REASON FOR THE AMENDMENT:

The City is requesting this land use change to allow continued use of the property as a neighborhood convenience store. The FLUM change to Suburban and zoning change to C-1 will also make this existing use conforming, which will eliminate encumbrances to the sale of the property.

D. STAFF ANALYSIS

Existing FLUM & Zoning

The 1-acre property has a current Future Land Use Map (FLUM) designation of Residential Preservation and a zoning designation of Residential Preservation-2 (RP-2). The area is within the City and the Urban Service Area. The subject property is not in the Multi-Modal Transportation District

Residential Preservation and RP-2 Zoning
The existing Residential Preservation FLUM designation category is characterized by existing homogeneous residential areas within the community predominantly accessible by local streets. The primary function of this category is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions.

Future development primarily will consist of infill due to the built out nature of the areas. Commercial, office, and industrial land uses are prohibited. Future arterial and/or expressways should be planned to minimize impacts within this category. Single family, townhouse and cluster housing may be permitted within a range of up to six units per acre. Consistency with surrounding residential type and density shall be a major determinant in granting development approval intended for community services, infrastructure, and state and federal government facilities.

The subject property is currently zoned Residential Preservation 2 (RP-2). The RP-2 Zoning District is intended to apply to residential development in areas designated "Residential Preservation" on the Future Land Use Map, preserving the low density

residential character of single-family, two-unit townhouse, and duplex residential development, protecting from incompatible land uses, and prohibiting densities in excess of six (6.0) dwelling units per acre. RP-2 zoning also allows passive and active recreation, community services, and light infrastructure. The RP-2 zoning would allow 6 dwelling units on the subject property.

Proposed Land Use and Zoning

Suburban Land Use

The Suburban land use category recognizes the manner in which much of Tallahassee-Leon County has developed since the 1940s. It is intended to create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. Employment opportunities are intended ideally to be located near residential areas, if possible within walking distance.

This category predominantly consists of single-use projects that are interconnected whenever feasible. Mixed use projects and the principles of traditional neighborhood developments are encouraged, though not required. The Suburban category is most suitable for those areas outside of the Central Core. However, additional areas inside the Central Core may be designated as appropriate based on existing land use pattern.
To complement the residential aspects of this development pattern, recreational opportunities, cultural activities, commercial goods and services should be located nearby. To reduce automobile dependency of residents and employers alike, mass transit stops should be located at large commercial centers and appropriate street and pedestrian connections established between commercial and residential areas. Except within mixed use centers, larger scale commercial development should be buffered from adjacent residential neighborhoods.

Development is required to comply with the Suburban Intensity Guidelines, which would limit development based on the development pattern. The development pattern for the subject property would be Suburban Corridor, which limits commercial development to 25,000 square feet per acre.

The Suburban category allows higher density housing up to 20 dwelling units per acre and a wide variety of office and commercial uses. The maximum number of units on 1 acre is 20 residential units and 25,000 square feet of non-residential uses [calculated at 25,000 square feet per acre].

Neighborhood Commercial Zoning

The C-1 district is intended to be located in areas designated Suburban on the Future Land Use Map of the Comprehensive Plan and shall apply to suburban areas with direct access to collector or arterial roadways located within convenient traveling distance to one or more neighborhoods, wherein small groups of retail commercial, professional, office, community and recreational facilities and other convenience commercial activities are permitted in order to provide goods and services that people frequently use in close proximity to their homes.

The C-1 district is intended to provide shopping for residential areas without requiring access to arterial roadways, thereby providing more convenient shopping for area residents and preserving the capacity of the arterial roadway network. The provisions of this district are intended to encourage commercial development that is compatible in scale and design with surrounding residential uses and, therefore, the district limits the maximum size of individual buildings.

The C-1 district is not intended to accommodate large scale commercial or service activities or automotive or other types of more intensive commercial activity. The maximum gross density allowed for new residential development in the C-1 district is 16 dwelling units per acre, with a minimum gross density of 8 dwelling units per acre, unless constraints of concurrency or preservation and/or conservation features preclude the attainment of the minimum density. The residential uses are required to be located on the second floor or above a building containing commercial or office uses on the first floor. Mixed use projects in the C-1 district are encouraged, but are not required.

In order to maintain compact and nonlinear characteristics, C-1 districts shall not be located closer than ¼ mile to other C-1 or C-2 districts or to parcels containing commercial developments including more than 20,000 gross square feet of floor area and shall not exceed 15 acres in size.

Major Planning Issues

1. *Suburban FLUM and C-1 rezoning will implement the efficient land use pattern approved in the Huntington Woods DRI.*

The subject parcel is centrally located within the former Huntington Woods DRI and traffic to the site is concentrated on major roadways (Fred George Road and Old St. Augustine Road). Because of the central location and the accessibility of the site, it was designated in the Huntington Woods DRI for a small commercial development, predominately for the use of residents in the Huntington Woods DRI.

The intended land in the development order for the subject parcel of a small-scale commercial use was implemented through the 1981 Leon County rezoning of the subject property from a medium density residential category to a commercial zoning district with, what was termed at the time, “a limited use site plan”. In this context, a “limited use site plan” meant that some uses from the neighborhood commercial zoning district were permitted and others were not.

Specifically, large traffic generating uses such as restaurants, cocktail lounges and movie theatres were not permitted uses.

After the property was annexed by the City of Tallahassee in 1985, the city adopted an ordinance that allowed the same uses that were previously allowed by the county. In 1986, in accordance with the Huntington Woods development order and the associated rezonings, a 1,973 square foot convenience store with fueling facilities was constructed on the site.

Four years after the site was developed, the subject site was included in the Residential Preservation FLUM in the Comprehensive Plan, and it was subsequently rezoned to RP-2 zoning district. However, it was still under the purview of the Huntington Woods DRI development Order, which established a small-scale commercial use for the subject property.

However, in 2010 when the Huntington Woods development order was rescinded, and the land use regulations, including the Comprehensive Plan FLUM category of the subject parcel, did not reflect the intent of the original Huntington Woods development order. The proposed amendment and associated rezoning return the land use designation to reflect the original intent of the Huntington Woods DRI for the subject parcel.

2. The continued operation of the convenience store on the subject parcel as a non-conforming use would be a hardship on the owner of the subject parcel.

The convenience store that exists on the subject parcel is a non-conforming use. A non-conforming use is a use that conformed to the zoning regulations at the time it was built, but no longer conforms to the existing zoning regulations because of changes to the zoning regulation or the zoning district. The use on the subject property is non-conforming because it was rezoned to RP-2 consistent with the Residential Preservation FLUM adopted in the Comprehensive Plan (see Attachment 2).

In accordance with provisions of Sections 10-78 and 10-79 of the City of Tallahassee Land Development Code, a non-conforming use can continue to exist indefinitely, unless it loses it non-conforming status by going out of business for a year or more (with some exceptions), or it illegally expands or changes use, or when remodeling or reconstruction of the structure exceeds 50% of the value of the structure. These limitations on non-conforming properties adversely affect the value of the property, and may affect its property insurance rates.

In addition, the sale of alcoholic beverages is not addressed by Sections 10-78 and 10-79 of the City of Tallahassee Code of Ordinances. Therefore, the City of Tallahassee will not certify to the State of Florida liquor license application that the zoning requirements have been meet for the sale of alcoholic beverages for a business that is a non-conforming use in a Residential Protection zoning district. Without the City certification of zoning compliance, the State will not issue a liquor license.

The existing convenience store on the subject property can sell beer under the license it was issued prior to the 1992 zoning change to RP-2 zoning district. However, when the property is sold, the new owners will be required to obtain a new liquor license, which will not be issued

until the non-conforming status of the property is resolved. According to the agent for the property owner of the subject property, a pending sale for the subject site will not go forward if the new owners cannot obtain a new liquor license for the continued sale of beer and associated malt beverages. Without the sale of beer at this location, the continued operation of convenience store is not viable.

There are two methods to eliminate the non-conforming status of the subject property. The most expeditious method is through the granting of a waiver by the Board of Adjustment and Appeals that deems a non-conforming use, developed prior to the adoption of the Comprehensive Plan, to be a conforming use. The non-conformity waiver is called a "previously existing land use certificate", or PELUC. The requirements for a PELUC are contained in Section 10-104 of the Land Development Code.

However, a PELUC is not the best solution for the subject property for two reasons. First, the PELUC would prohibit the redevelopment of the property to any use other than the existing convenience store. In the future, as the Huntington Oaks area becomes more vibrant and walkable through the Huntington Oaks Placemaking initiative, the subject site could be more viable if it were redeveloped with a use less oriented to the automobile, such as a small restaurant or personal service business. A PELUC would not allow the flexibility for the owners to change the use of the subject property as the Huntington Woods area evolves.

The other limitation of a PELUC would be that any re-development or expansion would be subject to the development standards (setback, height imperious coverage etc.) of the RP-2 zoning district. The RP-2 development standards were formulated to apply to low density residential and community service land uses, and as such, are not applicable to commercial development. Since there are no commercial development standards in the RP-2 zoning district, it is unclear if residential or community service development standards would apply to commercial redevelopment of the subject site. In either case, the extensive setbacks and strict restrictions on impervious area would make the commercial redevelopment of the site very challenging.

The second method for eliminating the non-conforming status of the subject property is to adopt the proposed Comprehensive Plan amendment. A Comprehensive Plan amendment cannot be accomplished as quickly as a PELUC, but it does not have any of its disadvantages related to non-conforming structures. The proposed Comprehensive Plan amendment, once adopted, will allow the use of the structure to change or expand in accordance with the regulations and development standards of the Suburban FLUM and the C-1 zoning district.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features:
   The one-acre subject site is an existing convenience store with fueling facilities. The building parking and solid waste collection portion encompasses approximately one-third of the site. The remainder of the site consists of light landscaping along Fred George Road, and significant landscaping along Old Bainbridge Road, a designated Canopy Road. In addition, there is a substantial wooded buffer between the developed portion of the property and existing townhome development to the south and west.

The Canopy Road protection zone is the only known environmentally sensitive feature in the subject area.

2. Water/Sewer:
According to the City of Tallahassee, adequate sanitary sewer and water exist at the site; and adequate capacity is available to serve the existing building and future development.

3. Transportation:
Roadways: The site is presently developed and it is not anticipated that the proposed FLUM change and rezoning will result in additional impacts to the roadway network. If the site were to attempt redevelop in the future to a more intense use, it would be subject to transportation concurrency regulations. The major segments of roadways that could be affected by future redevelopment are Fred George Road, a major collector, and Old Bainbridge Road, a minor arterial and a Canopy Road.

Through the existing Significant Benefit program and the potential development of a Mobility Fee System, the requisite planning will continue to occur to address transportation needs into the future including identification of roadway and other multi-modal projects. Nothing in the proposed amendment would exempt it from being assessed by the local government under either approach.

Transit Availability: StarMetro's Forest bus route runs along this portion of Fred George Road every 20 minutes during weekdays and Saturdays.

Bicycle/Pedestrian Facilities Availability: No sidewalks exist along Fred George Road, except on the north side of the roadway, between Old Bainbridge Road and Stewart Way. There are no sidewalks presently along Old Bainbridge Road, but sidewalks are programed for inclusion south of Fred George Road in the Leon County Sales Tax program priorities.

There are presently no bicycle lanes along Fred George Road or Old Bainbridge Road.

4. Schools:

The site is zoned for Springwood Elementary, Griffin Middle School, and Godby High School. Since the site is already developed commercially, it is not anticipated that the site would have an impact on school capacity. In the unlikely event that the site redevelops as a residential project in the future, as a one acre site with a maximum density of 20 units an acre; the redevelopment would have a minimal impact on school capacity. Finally, school concurrency calculations will be conducted in the future if a residential subdivision or site plan for subject site is submitted.

5-Year Capital Improvements Projects:

None.

F. VESTED / EXEMPT STATUS:

The previous Huntington Woods DRI development order was exempt from consistency and concurrency requirements by ordinance. However, when the development order for the Huntington Woods DRI was rescinded in 2010, the consistency and concurrency exemption was eliminated for the Huntington woods DRI, including the subject site.

G. CONCLUSION:

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

1. The proposed Suburban land use category and C-1 zoning district reflects the existing development of the property. It is also consistent with the intent of the former Huntington Woods DRI development order to provide a small commercial node at a major intersection to provide nearby residents with the opportunity to purchase convenience goods without leaving the area.

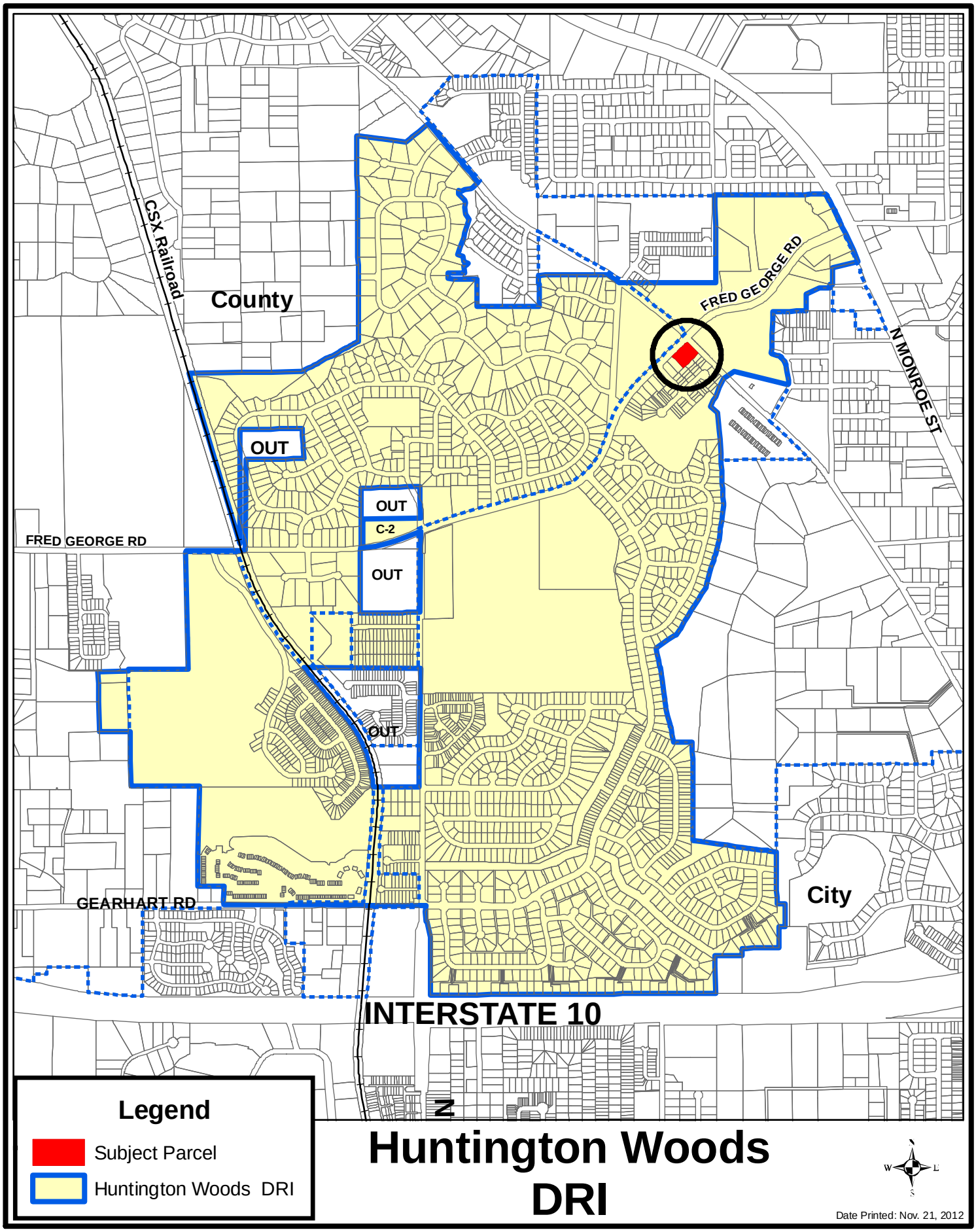
2. The proposed FLUM and zoning change would correct the existing non-conforming status of the convenience store on the site, and therefore, allow the transfer of ownership of the property without adversely impacting the ability of the convenience store to sell beer or be encumbered by other restrictions associated with the legal non-conforming status of the property.

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

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

H. ATTACHMENTS:

Attachment #1: Map of Huntington Woods DRI.
Attachment #2: Regulatory history of subject site


CSX Railroad
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C-2
OUT
FRED GEORGE RD
OUT
GEARHART RD
City
INTERSTATE 10
N
Legend
Subject Parcel
Huntington Woods DRI
Huntington Woods
DRI
Date Printed: Nov. 21, 2012

History

The following is the regulatory history of the subject property that is useful in understanding the planning issues associated with the proposed FLUM change, and associated rezoning.

Pre-1970: The subject property was in the A-1 (agricultural) zoning district in Leon County

December 18, 1973: The subject property was rezoned to the RM-1 (medium density residential) zoning district.

May 14, 1974: The development order for the Huntington Woods development-of-regional-impact was adopted by Leon County.

November 24, 1981: Leon County rezoned the property from RM-1 to C-1 (light commercial) with a limited use site plan. The C-1 with a limited use site plan allowed retail food and grocery use and other retail and office uses. It removed as permitted uses more intense traffic generating uses from the C-1 zoning district such as movie theatres or cocktail lounges. Motor fuels sales were permitted restricted use, in the C-1 zoning district with a limited use site plan proved the motor fuel facilities were ancillary to the retail grocery sales.

1985: Much of the Huntington Woods DRI (including the subject property) was annexed into the City of Tallahassee.

December 10, 1986: The subject property was rezoned by the City of Tallahassee to C-1 with a limited use site plan. The principal and restricted permitted uses were exactly the same as in the county zoning district.

1987: A convenience store with fueling facilities was constructed on to the site.

July 19, 1990: The Tallahassee-Leon County Comprehensive Plan was adopted by the City of Tallahassee and Leon County. In the Comprehensive Plan, the subject property and the surrounding area was placed in the Residential Preservation Future Land Use Preservation category.

February 23, 1992: The zoning ordinance implementing the Comprehensive Plan was adopted by the City of Tallahassee. The subject property was re-zoned from C-1 with a limited use site plan to the Residential Preservation-2 (RP-2), a low density residential zoning district.

September 25, 2002: A development order for the City's portion of the Huntington Woods DRI was adopted by the City of Tallahassee.

August 4, 2010: The City of Tallahassee rescinded the Huntington Woods DRI development order.

TEXT AMENDMENT #: PCT130109

APPLICANT: Leon County Board of County Commissioners

TEXT/POLICY I.D. #:
Policy 1.3.1 [C], 1.3.2 [C] , 1.3.3 [C] , 1.3.4 [C] , 1.3.5 [C] , 1.3.6 [C] , 1.3.7 [C] , 1.3.8 [C] , 1.3.12 [C] , 1.3.13 [C] , 1.3.14 [C] , and 1.3.15 [C]

CITY _X_ COUNTY _X_

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCT130109

A. SUMMARY:

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

The Leon County Board of County Commissioners initiated this amendment on May 8, 2012 (Item #20). The motion approved 7-0 was to "Direct PLACE Staff to initiate the Comprehensive Plan amendment process to remove the slope regulation provisions inside the Urban Service Area."

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The amendment fulfills specific direction from the Board of County Commissioners to remove steep grade regulations inside the Urban Service Area.
2. The amendment fulfills the consensus recommendation by the Minimum Countywide Environmental Standards Citizen's Committee to provide different steep grade regulations for properties inside versus outside the Urban Service Area.
3. The companion County Land Development Code provisions retain protections for steep grades near sensitive environmental features.
4. The amendment and companion Land Development Code provisions provide a policy option to increase flexibility in the regulation of steep grades that is based on current recommendations from a citizen committee and elected officials. This increased flexibility is constant with the Comprehensive Plan goals of fostering growth inside the designated Urban Service Area

C. EXISTING TEXT/POLICIES:

See Attachment #1

D. PROPOSED TEXT/POLICIES:

Attachment #1 includes all proposed amendments in legislative format and provides staff notes describing each change.

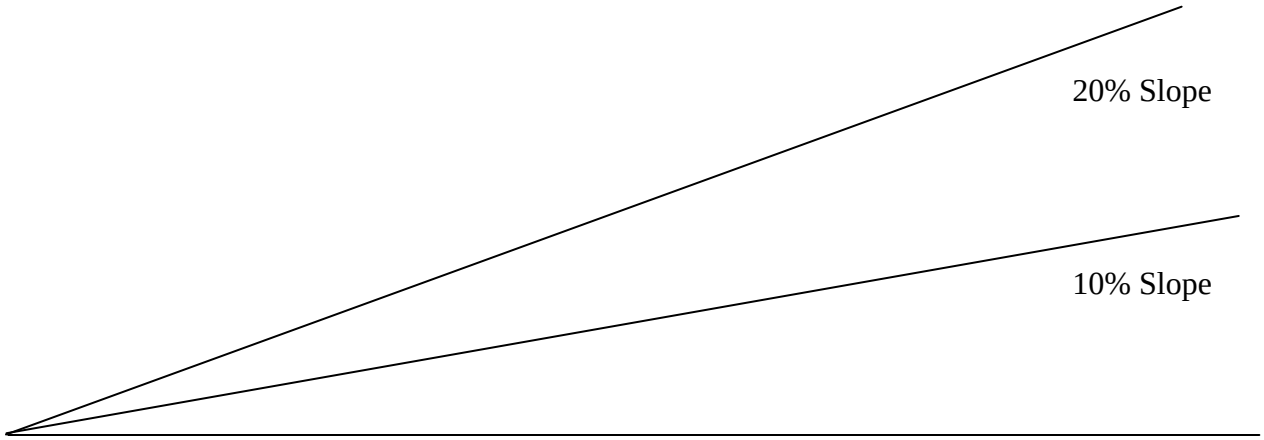
E. APPLICANT'S REASON FOR THE AMENDMENT:

Direction for staff to submit this amendment request was provided by the Leon County Board of County Commissioners at their May 8, 2012 regular meeting (Item #20). The motion approved 7-0 was to "Direct PLACE Staff to initiate the Comprehensive Plan amendment process to remove the slope regulation provisions inside the Urban Service Area."

Planning Department staff worked with the Leon County Development Support and Environmental Management Department and the City of Tallahassee Growth Management Department to develop the proposed language to implement the Board direction. Removing the differences in the City and County policies regarding the regulation of significant and severe grades also allowed staff to unify several "County Only" and "City Only" policies to reduce redundancy in the Comprehensive Plan and provide for increased clarity and readability.

F. STAFF ANALYSIS

In this report the term "steep grade" is utilized to discuss significant grades and severe grades together. However, the Comprehensive Plan does treat these two types of grades quite differently, as provided in the existing policy language in Attachment #1. Generally, you are allowed to disturb up to 50% of significant grades (10-20% slope) on a development site and you are not allowed to disturb severe grades (over 20% slope). For reference, lines with 10% slope and 20% slope are provided below.



History

Since the City adoption of off-site mitigation options for significant grades in 2004, three different citizen committees have reviewed the steep grade provisions in the Comprehensive Plan. A summary of the work conducted by each group is included below along with the names of the citizens that participated in each group.

2005 City Focus Group
Since late 2003, the City Commission has expressed interest in investigating regulations that potentially inhibit the 18-hour downtown concept and the Comprehensive Plan policies that encourage higher density development inside the Urban Service Area. In March of 2005, the City Commission directed staff to focus on four "community standards" for potential amendment. One of these community standards topics was regulation of steep slopes as conservation/preservation features.

On April 20, 2005, the City Commission directed staff to establish a focus group to review the regulation of slopes. The membership of this focus group included:

- Tom Asbury
- Zoe Kulakowski
- Cliff Lamb
- Laurie Dozier
- Charles Pattison
- Nancy Miller

The focus group provided comments on their views of the purpose and intent of slopes regulation (Attachment 4). These comments were presented to the Long Range Target Issues Committee (Commissioners Mustian and Gillum) on September 28, 2005. Work with the slopes focus group was then discontinued after Florida Senate Bill 360 became effective. The 2005 legislation marked the most significant changes in Florida's growth management laws since 1985. Staff resources were reallocated to work on implementation of the complex requirements imposed on local governments. However, in 2009 staff did bring forward an amendment to address redevelopment and infill goals in the Downtown area. The amendment, adopted on October 13, 2009, created the Downtown Overlay and exempted all development with in this area from the significant and severe slope policies in the Comprehensive Plan.

2005 County Blue Ribbon Committee
On June 8, 2004, the Board of County Commissioners directed staff to review the permitting process and recommend revisions to streamline the process. As a result, the Board conducted a workshop on permit process and development initiatives on April 26, 2005 and voted to establish a Blue Ribbon Committee, also known as the Growth and Environmental Management Permitting Process Improvement Citizen Focus Group. The following individuals were appointed to the focus group:

- Wendy Grey
- Terry Fregley
- Ted Thomas
- Carolyn Bibler
- Rick Bateman
- Carman Green
- Kathy Archibald
- David Walmsley
- Russell Price
- Ben Wilkinson Jr.
- Nancy Miller
- Millard Noblin
- Pam Hall
- Neil Fleckenstein.

The Blue Ribbon Committee reviewed the issues identified in the April 26, 2005 workshop item, including slopes regulations, and their recommendations were presented to the Board during an April 11, 2006 workshop. The recommendations specific to slopes regulation are provided in Attachment #4. On April 25, 2006, the Board ratified their actions taken at the April 11, 2006 Workshop, directing staff "to initiate amendments to the Comprehensive Plan, specifically with regard to slopes protection and regulation, utilizing the guidance criteria as recommended by the GEM Focus Group." Implementation of this direction was discontinued after Florida Senate Bill 360 became effective. The 2005 legislation marked the most significant changes in Florida's growth management laws since 1985. Staff resources were reallocated to work on implementation of the complex requirements imposed on local governments.

2011 Minimum Countywide Environmental Standards Citizen's Committee

On August 17, 2010, the Board of County Commissioners adopted an Ordinance to implement a Charter Amendment entitled "Minimum Countywide Environmental Regulations as Proposed by the Citizen Charter Review Committee." The Amendment was placed on the November 2, 2010 general election ballot, and with voter approval (61.47% of the vote), the proposal passed, effective April 1, 2011. A two-phased approach to implementation was approved by the Board. Phase one was completed on March 15, 2011 with the Board's adoption of an Ordinance providing for countywide stormwater treatment and protection standards. Phase two included coordinating with a Board-appointed Citizen's Committee and City staff to integrate all remaining County and City environmental regulations into one recommended Minimum Countywide Environmental Regulations Ordinance, adopted by the Board on May 8, 2012.

The Minimum Countywide Environmental Standards Citizen's Committee members included:

- Roger Wynn
- Carmen Green
- Pamela Hall.
- Cliff Lamb
- Judy Hayden

On December 2, 2011 the Committee addressed significant slopes regulations. The Committee acknowledged that in order to allow for relaxation of the slopes regulations in specific circumstances, a Comprehensive Plan amendment would be required. The Committee also determined that this Comprehensive Plan amendment would need to reflect different slopes regulations for properties inside versus outside the Urban Service Area. The consensus of the Committee was to accept the staff recommendation, and to support the required Comprehensive Plan amendment, including the caveat that the standards would be different for properties inside versus outside the Urban Service Area. Summary minutes of this meeting are included as Attachment #6.

On May 8, 2012 the Board adopted the Minimum Countywide Environmental Standards ordinance and directed staff to initiate the Comprehensive Plan amendment process to remove the slope regulation provisions inside the Urban Service Area.

Analysis of Proposed Text

Attachment #1 includes all proposed amendments in legislative format and provides staff notes describing each change.

The fundamental concept of the requested amendment is provided in the proposed text addition to Conservation Policy 1.3.2 (e), "…in order to help direct development and growth to inside the Urban Service Area and further the protection of lands outside of the Urban Service Area, significant grade regulations are not required by the Comprehensive Plan within the Urban Service Area. Land development regulations may provide protection appropriate for more compact urban development inside the Urban Service Area for significant grades near wetlands, water bodies, watercourses, floodways, floodplain, and karst."

County staff has prepared draft amendments to the Land Development Code. The code amendment establishes a system for the protection of significant and severe grades that are within 100 feet of wetlands, water bodies, watercourses, floodways, floodplain, and karst features. This effectively deregulates steep grades that are not within 100 feet of the designated environmental features, while continuing protection of steep grades that would be most at risk for impacting water quality through erosion associated with construction activity. The 100 foot protection area around sensitive environmental features is consistent with the 100 foot buffers utilized for the Lake Lafayette and Lake McBride Special Development Zones. The draft code changes for the County are provided in Attachment 2.

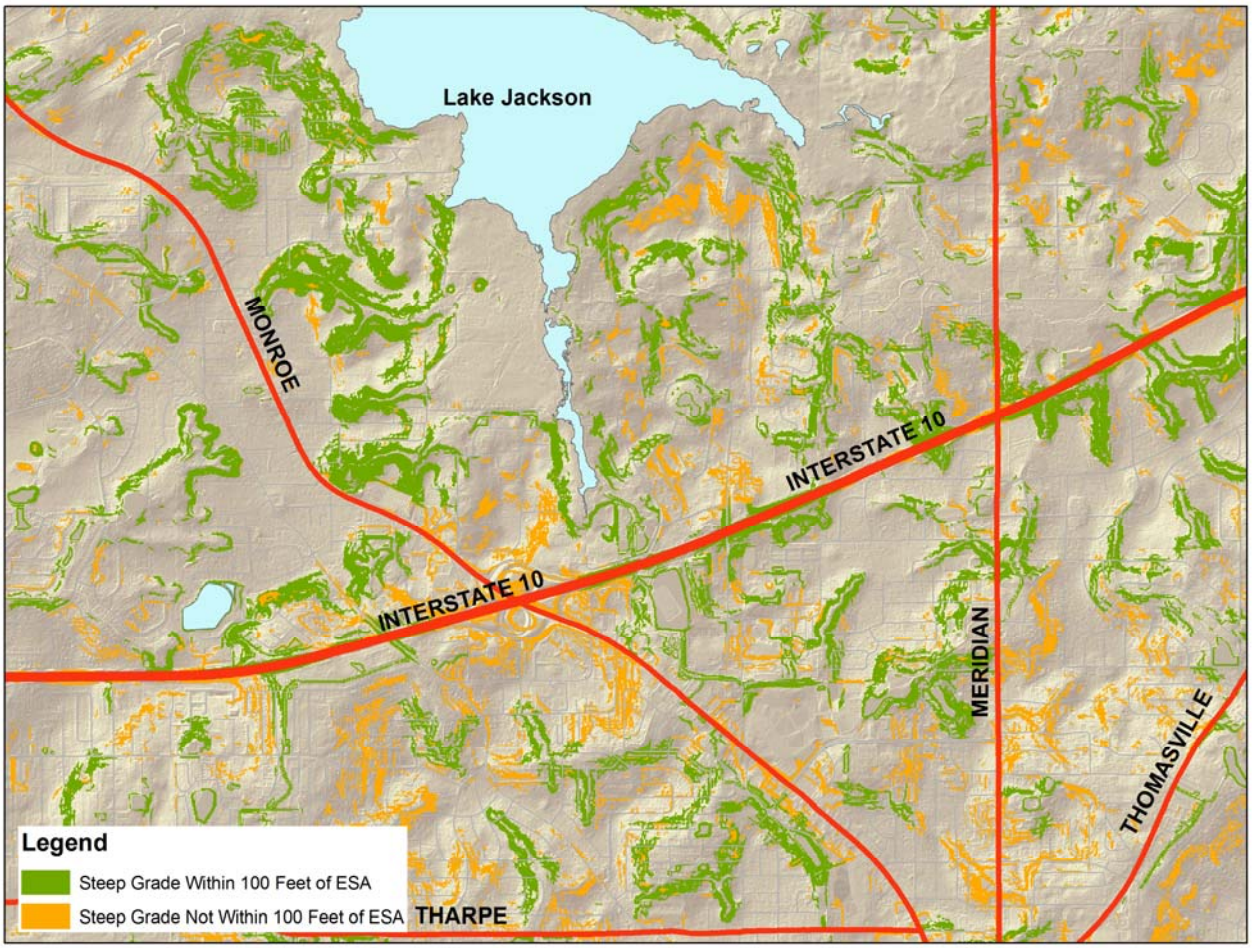
City Growth Management staff is closely monitoring this amendment and the draft County code changes. Growth Management staff will seek direction regarding potential City code changes from the City Commission through the Long Range Target Issues Committee process. However, due to the November 2010 Minimum Countywide Environmental Regulations Charter Amendment, City regulations will need to be equivalent or more restrictive than the minimum regulations established by the County.

It is important to note that the existing County code requirements for erosion control will remain. Section 10-4.327 in the County Code provides the specific requirements for erosion control measures to address environmental degradation associated with sediment transport. This section of code is provided for reference in Attachment 7.

To aid in the understanding of the geographic scope of the requested change, staff prepared maps of two different areas in the community showing the steep grades that are within 100 feet of the designated environmental features and those that are not within 100 feet of the designated environmental features. The data on steep grades utilized for these maps is not intended to be used on a parcel specific basis. However, at the scale represented on the maps below, staff believes this is a good representation of the general areas that would receive protection and that would be deregulated.

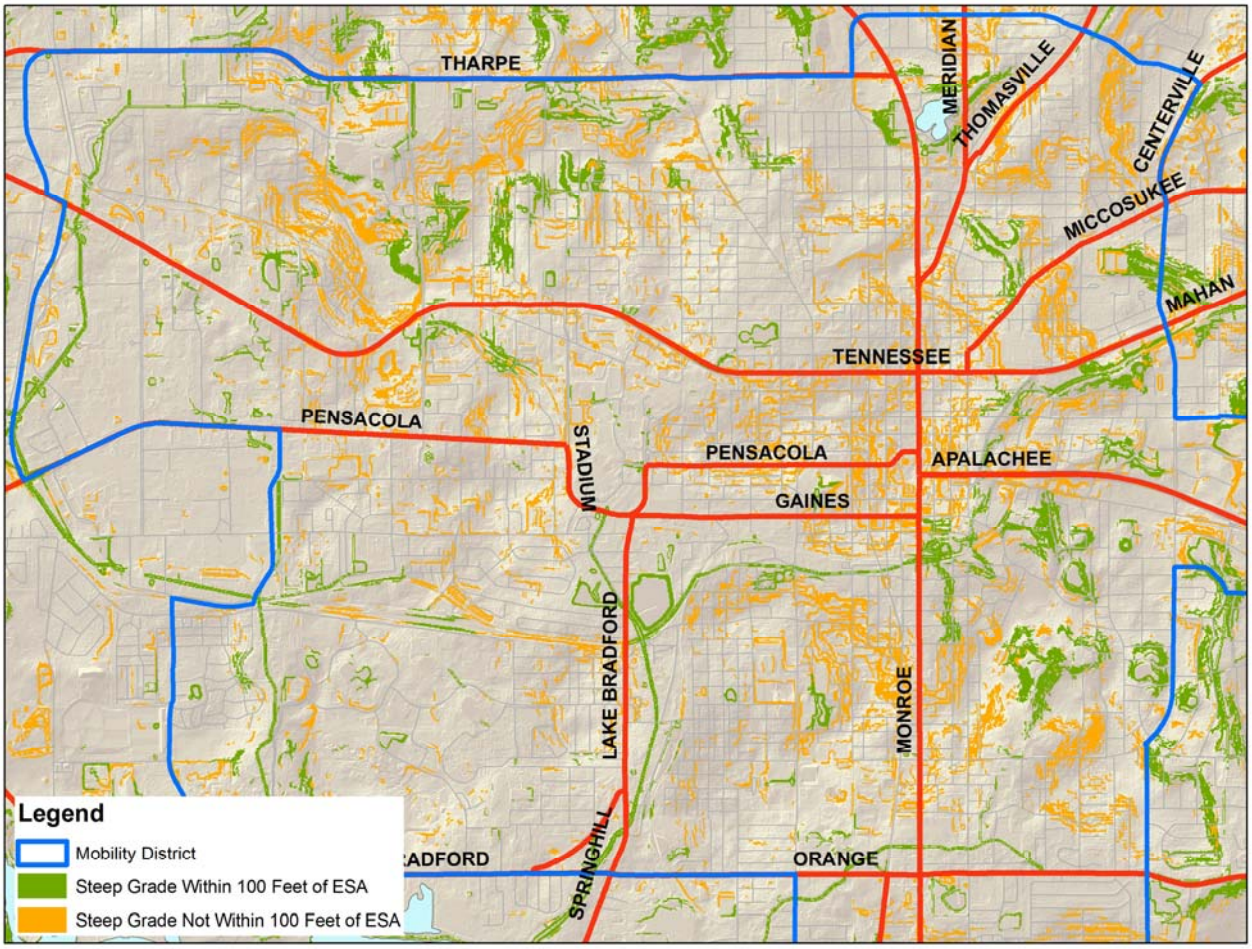
The first area selected to demonstrate the potential impact of the combined Comprehensive Plan amendment and draft code changes includes a portion of Lake Jackson and lands to the south. Figure 1, below, depicts the steep grades that are within 100 feet of wetlands, water bodies, watercourses, floodplain, and karst as green. Steep grades not within 100 feet of these environmental features are depicted in orange. The green areas would continue to receive protection via language in the Land Development Code. The orange areas would be deregulated. Staff selected this area to visually demonstrate the protections that would remain in environmentally sensitive areas, such as those surrounding Lake Jackson.

Figure 1: Steep Grades near Lake Jackson



The second area selected to demonstrate the potential impact of the combined Comprehensive Plan amendment and draft code changes is the Mobility District. This is an area of our community that has been selected for higher density and intensity uses and fostering more transportation alternatives. Just as in Figure 1 above, the steep grades that are within 100 feet of wetlands, water bodies, watercourses, floodplain, and karst are depicted in green and the steep grades not within 100 feet of these environmental features are depicted in orange. This area was selected to depict the impact of the policy change on this more urbanized section of the community that has been targeted for more intensification.

Figure 2: Steep Grades in the Mobility District



Staff has also included Table 1 below to help communicate the geographic scope of the requested change over the entire Urban Service Area. These calculations are based on the same Geographic Information System data utilized in Figure 1 and 2 above. It is important to note that in this report the term "steep grade" is utilized to discuss significant grades and severe grades together. These two types of grades are combined in Figures 1 and 2 in order to make the maps legible. However, the Comprehensive Plan does treat these two types of grades quite differently, as provided in the existing policy language in Attachment #1.

Generally, you are allowed to disturb up to 50% of significant grades (10-20% slope) on a development site and you are not allowed to disturb severe grades (over 20% slope). Table 1 provides the acres for both significant grades and severe grades combined as "steep grades," and then provides the breakdown for significant and severe grades separately. This highlights the small portion of land proposed for deregulation in the more sensitive severe grades category.

Table 1: Land Area Analysis

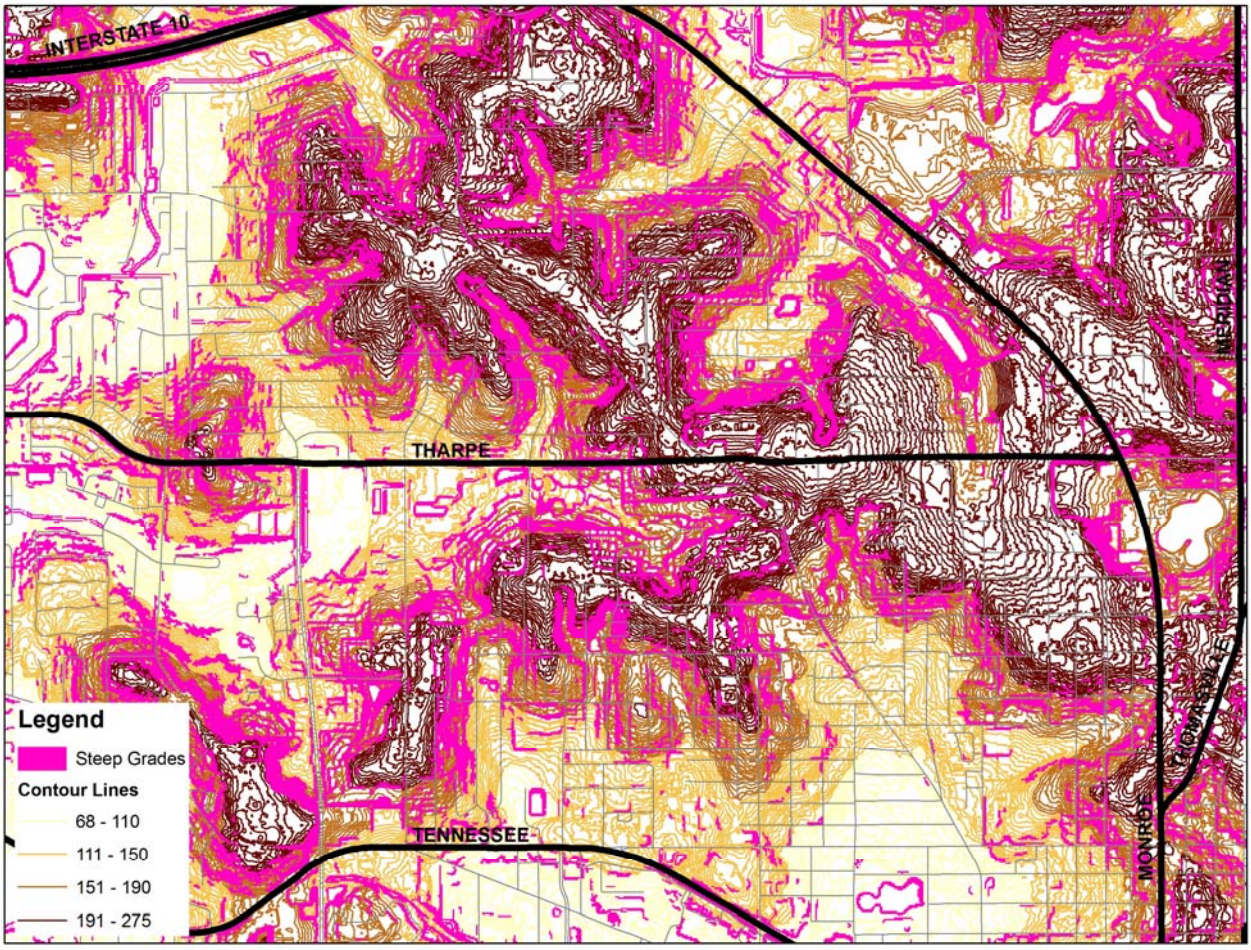
Analysis Area	Impact of Amendment and Code	Acres	% of the USA Land Area
Total Land in Urban Service Area (USA)	--	103,257	100.0%
Steep Grades in USA *(includes both Significant and Severe Grades)*	--	11,918	11.5%
Steep Grades Within 100 feet of ESA	Regulated	6,665	6.5%
Steep Grades NOT Within 100 feet of ESA	Deregulated	5,252	5.0%
Significant Grades in USA *(10-20% Slope)*	--	10,290	10%
Significant Grades Within 100 feet of ESA	Regulated	5,700	5.5%
Significant Grades NOT Within 100 feet of ESA	Deregulated	4,589	4.4%
Severe Grades in USA *(Over 20% Slope)*	--	1,628	1.6%
Severe Grades Within 100 feet of ESA	Regulated	965	0.9%
Severe Grades NOT Within 100 feet of ESA	Deregulated	663	0.6%

Lastly, it is important to briefly address the topic of "community character" that has been discussed in each of the past projects that considered revising the steep grade polices. This is a complicated matter, as different community members may have different ideas about how various features add character, or even a sense of place, to the community. This may be an important topic for the public participation portion of the review for this amendment. This staff report does not fully address this topic, but rather provides staff observations to consider during the larger community discussion.

Generally, during past reviews of the steep grade policies community members have expressed a concern that reducing steep grade protections would have a negative impact on the rolling hills that Tallahassee and Leon County are known for. However, by their very "rolling" nature the tops of our hills tend not to be steep, unlike in more mountainous regions that have ridge top protection ordinances. In Figure 3 below you can see that steep grades (depicted in fuchsia) do not generally occur on our hill tops (dark brown). The steep grades occur on the sides of the hills and ravines. Allowing construction on steep grades, which are not within 100 feet of other environmental features, does not appear as though it could have an impact on the larger hilly topography of Tallahassee. We are not alone in our love of the seven hills we are built upon. Rome, Istanbul, Moscow, San Francisco, and Seattle are all "seven-hills" cities with intensive urban development on

steep grades that arguably has not diminished their character. The "Tallahassee Character" is certainly less urban and more focused on natural aesthetics than the larger cities mentioned above, however, these examples are provided to demonstrate that construction on steep grades does not mean that the larger communitywide topographic character is lost.

Figure 3:Steep Grades and the Tallahassee Topography



County Strategic Priorities

At the December 12, 2011 retreat, the Board charted the course for the future of Leon County by establishing a vision statement and four strategic priority areas of the Economy, the Environment, Quality of Life and Governance. The proposed amendment is aligned with the strategic priority presented and discussed below.

Environment Strategic Priority: "Promote orderly growth which protects our environment, preserves our charm, maximizes public investment, and stimulates better and more sustainable economic returns." The Urban Service Area concept is the primary Comprehensive Plan tool for promoting orderly growth in our community. Providing flexibility regarding the regulation of steep grades inside the Urban Service Area fosters development in the areas where we have already made public investments in urban infrastructure. The proposed amendment seeks balance between

environmental protection and economic returns by authorizing some level of steep grade regulation inside the Urban Service Area via Land Development Code that focuses protection on grades near wetlands, water bodies, watercourses, floodways, floodplain, and karst.

G. CONCLUSIONS:

Based on the above analysis, the Planning Department recommends approval of the amendment request for the following reasons:

1. The amendment fulfills specific direction from the Board of County Commissioners to remove steep grade regulations inside the Urban Service Area.
2. The amendment fulfills the consensus recommendation by the Minimum Countywide Environmental Standards Citizen's Committee to provide different steep grade regulations for properties inside versus outside the Urban Service Area.
3. The companion County Land Development Code provisions retain protections for steep grades near sensitive environmental features.
4. The amendment and companion Land Development Code provisions provide a policy option to increase flexibility in the regulation of steep grades that is based on current recommendations from a citizen committee and elected officials. This increased flexibility is constant with the Comprehensive Plan goals of fostering growth inside the designated Urban Service Area.

H. ATTCHMENTS:

Attachment #1: Amendment in Strikethrough/Underline Format with Staff Notes

Attachment #2: Draft County Land Development Code Modifications

Attachment #3: 2005 City Focus Group Comments

Attachment #4: 2005 County Blue Ribbon Committee Recommendations

Attachment #5: 2011 Minimum Countywide Environmental Standards Committee Minutes

Attachment #6: County Existing Erosion Control Code

CONSERVATION AREAS

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

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

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

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

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

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

Staff Note: The above change notes that significant grade areas are only regulated by the Comprehensive Plan outside of the Urban Service Area. The change also creates a unified policy for the City and County. The minor differences in the opening text for each policy do not impact how the Conservation Areas are regulated. The City version of the policy provides clearer direction and was selected for the unified policy.

Policy 1.3.2: [C] *(Revision Effective 7/1/04; Revision Effective 7/26/06; Revision Effective 1/7/10)* ~~**City of Tallahassee Only**~~

Staff Note: "City of Tallahassee Only" is proposed for removal to create a unified policy for the City and the County. This will include the removal of "Leon County Only" Policy 1.3.2 [C] below. The treatment of significant grades is the only difference between the existing "City Only" and "County Only" version of Policy 1.3.2 [C]. Addressing the significant grade requirements allows for the unification of these polices.

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

major criterion for approval shall be the continued functioning, with minimum disturbances, of the ecosystem, which the development is impacting. ~~For significant grades only, off-site mitigation may be approved under criteria to be included in land development regulations that allow development of a site with significant grades, and where net environmental benefit can be demonstrated via both enhanced mitigation measures on-site and protective measures at an external site.~~

Staff Note: The text above is proposed for removal to eliminate the City provision that allows off-site mitigation for impacts to significant grades. The provision is not needed if the Plan is amendment to limit grade protections to outside the Urban Service Area, as the vast majority of the City is inside the Urban Service Area.

Conservation area development criteria are as follows:

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

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

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

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

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

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

Staff Note: The text above establishes the concept for not requiring significant grade regulations inside the Urban Service Area while also providing authorization for, but not requiring, some level of grade regulation in the Land Development Code that is appropriate for fostering compact urban development.

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

~~(5) In lieu of the above, land development regulations may provide for off-site mitigation for development sites that meet the following criteria:~~
~~(a) The site is within or adjoining Capital Circle, south of Interstate 10;~~
~~(b) The site is not within a Target Planning Area (TPA), Critical Planning Area (CPA), or Planned Unit Development;~~
~~(c) The site is served by a roadway in place, constructed to City or County standards, whichever is applicable and for which there is adequate capacity; and all water, sewer, and electric infrastructure necessary to serve the site are available;~~
~~(d) The significant grades on the site are not part of, do not include, and are not adjacent to previously protected significant grades or other preservation areas or conservation areas (other than significant grades) for which there are no off-site mitigation options;~~
~~(e) The significant grades on-site are not necessary for buffering other preservation areas or conservation areas on-site or on adjoining parcels; and~~
~~(f) An off-site mitigation plan for the development of the significant grades site has been approved that demonstrates net environmental benefit. *(Effective 7/1/04)*~~

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

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

Staff Note: The text above is proposed for removal to eliminate the criteria associated with the City's off-site mitigation option that would be eliminated by this amendment.

f) High quality successional forest -- If the entire site is high quality successional forest, the site may be developed at the allowed density with no more than 20% disturbance of the site. Those areas designated to remain natural shall be selected in a manner that protects or enhances adjacent or other on-site natural features. Development density can be transferred to non-environmentally sensitive areas at the density allowed by the existing land use category. If the

transfer option is not used, development may be permitted at a density of one (1) unit per two (2) acres.

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

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

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

(1) No clearing may occur in the canopy road zone (cpz)(100 feet from center line of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public or, for linear sidewalk improvements when practical given the unique attributes of the particular site as approved by the local government provided they meet the following criteria:
    (a) Clearing in the canopy road zone will be kept to a minimum.
    (b) A variety of surfaces will be evaluated for use in the sidewalk/pathway through the cpz based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.
    (c) Sidewalks may not always be required in the cpz given the impact to the cpz or encroachment on other conservation or preservation features.
(2) Any part of the canopy road zone that is cleared or has trees removed from it must be widened by the same amount that was removed;
(3) A full analysis of the impact of a development on the affected canopy road must be submitted at the time of development review;
(4) Joint access to canopy roads will be utilized unless there is no alternative. New cuts into canopy roads must be designed to serve more than one property development

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

	Transfer	Develop
Altered Floodplains and floodways	Density per land use category	Density per land use if (1)*
Altered Wetlands (City only)	Density per land use category	May only be used for storm-water treatment facility if wetlands are degraded **
Altered watercourses, improved elements of primary drainage system	Density per land use	None

Closed basin	Density per land use	Density per land use if (2)*
Significant grades (6) (10-20%)	Density per land use ~~unless (6)*~~	Density per land use if (3)* or 1 unit per acre ~~unless (6)*~~
High quality successional forest	Density per land use	Density per land use if (4)* or 1 unit per acre
Active karst features	Density per land use. No untreated storm-water, *meet all additional criteria.	Density per land use. No untreated stormwater, *meet all additional criteria.
Designated Canopy Roads	Density per land use	Density per land use if (5)* or 1 unit per acre. 100 ft. zone applies.

**footnotes* *(1) Provided it does not increase flow or displace volume.*
(2) There must be sufficient stormwater capacity within the closed basin.
(3) Provided:
a) Topographical changes are minimized.
b) 50% of grade left undisturbed (or under approved vegetation management plan)
c) Small areas of severe grades within significant grades may be treated as significant grades.
(4) Provided development is clustered and there is no more than 20% disturbance of the site.
(5) Provided all requirements are met, i.e., 100 foot zone, authorized access with no alternative or health safety and welfare of public, analysis of impact, joint access.
(6) ~~Off-site mitigation plan is approved per land development regulations consistent with the Comprehensive Plan. (Effective 7/1/04)~~The Comprehensive Plan only regulates significant grades outside of the Urban Service Area.

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

Staff Note: "City of Tallahassee" is proposed for removal form the Conservation Areas Summary Chart to establish this chart as part of a unified City and County policy. Note six in the chart is also amended to remove reference to the off-site mitigation option and to clearly indicate that the Comprehensive Plan only regulates significant grades outside of the Urban Service Area.

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

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

~~Conservation area development criteria are as follows:~~

~~**a) Altered floodplains and floodways** – Development will be allowed in these areas as long as it does not impede water flow or displace volume (development will be allowed~~

~~at the density consistent with the land use category). Density can be transferred out of these areas at a density reflective of the density permitted by the existing land use category.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~h) **Designated canopy roads** (*Revision Effective 6/28/02*) -- Development can be permitted at a density consistent with the density allowed by the existing land use category, provided that the following are done:~~
~~(1) No clearing may occur in the canopy road zone (cpz)(100 feet from center line of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public or, for linear sidewalk improvements when practical given the unique attributes of the particular site as approved by the local government provided they meet the following criteria:~~
~~(a) Clearing in the canopy road zone will be kept to a minimum.~~
~~(b) A variety of surfaces will be evaluated for use in the sidewalk/pathway through the cpz based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.~~
~~(c) Sidewalks may not always be required in the cpz given the impact to the cpz or encroachment on other conservation or preservation features.~~
~~(2) Any part of the canopy road zone that is cleared or has trees removed from it must be widened by the same amount that was removed;~~
~~(3) A full analysis of the impact of a development on the affected canopy road must be submitted at the time of development review;~~
~~(4) Joint access to canopy roads will be utilized unless there is no alternative. New cuts into canopy roads must be designed to serve more than one property development.~~

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

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

*footnotes (1) Provided it does not increase flow or displace volume.
(2) There must be sufficient stormwater capacity within the closed basin.
(3) Provided:
a) Topographical changes are minimized.
b) 50% of grade left undisturbed (or under approved vegetation management plan)
c) Additional flexibility available through the LDRs for urban core and high wage employment.
d) Small areas of severe grades within significant grades may be treated as significant grades. (Effective 6/07/01)
(4) Provided development is clustered and there is no more than 20% disturbance of the site.
(5) Provided all requirements are met, i.e., 100 foot zone, authorized access with no alternative or health safety and welfare of public, analysis of impact, joint access.
** Design of the stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.

Staff Note: The entire "Leon County Only" version of Policy 1.3.2 [C] above is proposed for removal as part of the establishment of a unified City and County version of policy. The previous staff notes in this document describe the proposed changes to create the unified policy.

Policy 1.3.3: [C] (City of Tallahassee Only) *(Effective 7/26/06; Revision Effective 1/7/10)*

When conservation features are present, mitigation via the transfer of development to non-environmentally sensitive areas on site is preferable. Land development regulations shall be developed

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

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

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

Staff Note: The "City of Tallahassee Only" version of Policy 1.3.3 [C] is proposed for removal and the "Leon County Only" version of the policy is established as a unified policy. The only existing difference between the two versions of the policy is that the City version includes specifics regarding the off-site mitigation option proposed for removal.

PRESERVATION AREAS

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

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

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

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

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

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

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

Staff Note: The above changes create a unified City and County policy regarding Preservation Areas and notes that severe grades are only regulated by the Comprehensive Plan outside the Urban Service Area. The minor differences in the opening text for each policy do not impact how the Preservation Areas are regulated. The City version of the policy provides clearer direction and was selected for the unified policy.

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

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

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

Preservation areas development criteria are as follows

Preservation Areas

	Transfer	Develop
Wetlands, water bodies, water courses*	Density per land use	1 unit per 40 acres
Severe grades (only required outside of the Urban Service Area)	Density per land use	1 unit per 40 acres**
Native forest	Density per land use	1 unit per 40 acres

Areas of environmental Significance	Density per land use	1 unit per 40 acres
Undisturbed/undeveloped 100 year floodplains	Density per land use	1 unit per 40 acres
Habitat of endangered, threatened, or species of special concern	Density per land use	1 unit per 40 acres, management plan

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

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

Staff Note: Minor changes are proposed to Policy 1.3.6 [C] above to provide consistency with other substantive changes proposed.

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

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

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

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

Staff Note: "City of Tallahassee Only" Policy 1.3.8 [C] is proposed for removal and "Leon County Only" Policy 1.3.7 [C] is established as a unified City and County policy. The only difference between the existing policies is that the City version provides direction for the off-site mitigation option that is now proposed for removal.

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

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

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

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

~~being impacted unless the conservation features consist solely of significant grades, an off-site mitigation plan has been approved and no other conservation or preservation features will e affected.~~

Staff Note: "City of Tallahassee Only" Policy 1.3.13 [C] is proposed for removal and "Leon County Only" Policy 1.3.12 [C] is established as a unified City and County policy. The only difference between the existing policies is that the City version provides direction for the off-site mitigation option that is now proposed for removal.

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

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

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

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

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

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

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

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

Staff Note: "City of Tallahassee Only" Policy 1.3.14 [C] is proposed for removal. This policy establishes the framework for the off-site mitigation option that is proposed for removal.

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

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

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

Staff Note: "City of Tallahassee Only" Policy 1.3.14 [C] is proposed for removal. This policy provides specific direction for the off-site mitigation option that is proposed for removal.

ORDINANCE NO. 13- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE, BY AMENDING SECTION 10-4.327, TOPOGRAPHIC ALTERATIONS.

PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: Section 10-4.327 of the Code of Laws of Leon County, Florida, is hereby amended as follows:

Sec. 10-4.327. Topographic alterations.

All projects involving alteration of the contour, topography, use or vegetation cover of land, shall comply with the following minimum standards:

(1) Same.

(2) *Grade change limitations.* It is the intent of this article to minimize alterations of the natural topography of land within the county.

a. The type, intensity, and structural design of each proposed development project shall be consistent with and compatible with natural pre-development topography and characteristics of the proposed site.

b. Alterations of natural topography shall not exceed the absolute minimum necessary to develop a site safely. Design criteria will emphasize site designs that fit the topography to the best extent possible , not change the topography to fit the design. Any development proposed for a site shall be appropriate to the existing natural topographical characteristics of the site, while recognizing that minimal grade changes are essential to site development.

c. ~~Unincorporated Area of the County.~~ The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. Man-made slopes shall not be regulated. ~~Within the unincorporated area of the County, d~~Development in sloped areas of ten percent and above shall be permitted as follows:

1. Inside the Urban Service Area:
   (a) Off-grade construction techniques shall be utilized to minimize clearing and topographic alteration, and shall provide (and clearly delineate on-site) specific clearing limits to restrict clearing and topographic alterations to the minimum area necessary for construction of the permitted facilities and reasonable construction access.
   ~~2.~~ (b) A minimum of 50% of significant (ten percent to 20 percent slope) grade areas must be left undisturbed if located adjacent to or within 100 feet of wetlands, waterbodies, watercourses, floodways, floodplains, karst features or special development zones. ~~or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas.~~ This requirement may be met by preserving 50 percent of each individual area or 50 percent of the total grade areas.
   ~~3.~~ (c) Severe grade areas (greater than 20 percent slope) shall remain undisturbed if located adjacent to or within 100 feet of wetlands, waterbodies, watercourses, floodways, floodplains, karst features or special development zones. Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.
   ~~4.~~ (d) All significant and severe grades required to be undisturbed shall be preserved in their pre-development state by conservation easement.

~~5. Urban service area only: All isolated significant slopes that are 0.25 acres or less in size shall not be protected. All other significant slopes may be disturbed more than 50% provided the following criteria are met:~~
   ~~(a) The disturbance is necessary to encourage urban infill in the urban core or to create new, high wage employment.~~
   ~~(b) If a non-residential site is less than or equal to three acres in size with no other preservation features present on the site.~~
   ~~(c) All residential development qualifies for the additional disturbance.~~
   ~~(d) Stormwater treatment shall be off-line retention equal to the first ½ inch of runoff with full recovery within 72 hours. If it can be demonstrated that retention is not achievable due to soil and site~~

~~characteristics, wet detention, in accordance with Section 10-4.301(2)(b)(i) and FDEP regulations, will be allowed. If wet detention is not achievable due to site characteristics, the County Administrator or designee may allow other treatment alternatives if it can be satisfactorily demonstrated that the alternative provides a pollutant removal efficiency of 80% or greater.~~

~~6.~~ (e) The county administrator or designee may allow limited exemption from these grade change limitations for approved roadway projects, provided that the permit application related to such project includes: ~~(a) A~~appropriate restrictive limits of areas as to clearing and topographic alteration~~.~~; ~~(b) A~~approved erosion and sediment control plans~~.~~; and ~~(c) A~~an evaluation of alternatives which support the allowance of an exemption.

2. Outside the Urban Service Area:

(a) Off-grade construction techniques shall be utilized to minimize clearing and topographic alteration, and shall provide (and clearly delineate on-site) specific clearing limits to restrict clearing and topographic alterations to the minimum area necessary for construction of the permitted facilities and reasonable construction access.

(b) A minimum of 50% of significant (ten percent to 20 percent slope) grade areas must be left undisturbed or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas. This requirement may be met by preserving 50 percent of each individual area or 50 percent of the total grade areas.

(c) Severe grade areas (greater than 20 percent slope) shall remain undisturbed. Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.

(d) All significant and severe grades required to be undisturbed shall be preserved in their pre-development state by conservation easement.

(e) The county administrator or designee may allow limited exemption from these grade change limitations for approved roadway projects, provided that the permit application related to such project includes: appropriate restrictive limits of areas as to clearing and topographic alteration; approved erosion and sediment control plans; and an evaluation of alternatives which support the allowance of an exemption.

~~d. Incorporated Area of the County. Significant grade areas (natural grades between and inclusive of ten percent and twenty percent of at least ¼ acre in size). If the slope between any two adjacent one-foot interval contour lines is greater than or equal to ten percent but less than or equal to 20 percent, then a significant grade area exists and shall be regulated as set forth below. The intent of protecting significant grades is to maintain local topography and minimize erosion, maintain existing vegetation, and protect water quality. Significant grades shall be depicted on any natural features inventory required under this chapter using contour intervals of no greater than two feet. Maps shall be prepared in accordance with the minimum technical standards for topographic surveys set forth in Chapter 61G17-6, Florida Administrative Code (FAC), as it may be amended from time to time. Alternatively, the city's Geographic Information System (GIS) two-feet contour maps may be used to determine the grades until such time that site-specific topographic survey information is available. Site-specific topographic survey information shall use one-foot contour intervals and shall be provided no later than at the time the environmental impact analysis required under this chapter is submitted for review. Within the incorporated area of the County, development in sloped areas of ten percent and above shall be permitted as follows:~~

~~1. Standard. Except as provided for in subsection (a)(2)d.2.—4. below, a minimum of 50 percent of significant grade areas shall be left undisturbed and shall be placed in a conservation easement dedicated to the city. Development activity in the conservation easement is prohibited, except that vegetation management activities that enhance the vegetation and are specifically allowed in a vegetation management plan approved by the Director of the City of Tallahassee Growth Management Department may be permitted. Examples of vegetation management activities include, but are not limited to, pruning of dead and hazardous tree limbs and control of invasive vegetation. The significant grades placed in a conservation easement shall be those significant grade areas that provide the greatest environmental benefit as determined by the Director of the City of Tallahassee Growth Management Department (i.e. provides downhill buffers, protects forested areas, buffers other protected conservation or preservation areas, or provides similar environmental benefits). In~~

~~order to minimize topographic changes, development within the significant grade areas not placed in a conservation easement shall utilize off-grade construction (including stem wall construction), use best management practices (design the building to take advantage of the natural topography, etc.), and shall limit the height of retaining walls to 15 feet. Multiple retaining walls may be allowed for terracing. The height of all retaining walls (excluding stem walls constructed as part of a building foundation) shall not exceed 15 feet. The distance between retaining walls shall be, at a minimum, twice the height of the wall that is abutting the area and higher than the area. Any retaining wall three feet in height or greater shall require a building permit.~~

~~2. Development within the Downtown Overlay shall be exempt from the significant and severe slope requirements.~~

~~3. Offsite mitigation exception. Offsite mitigation for significant grades shall be permissible consistent with the provisions of this subsection.~~

~~A. Locations are eligible for the off-site mitigation option if:~~

~~i. The site lies south of Interstate-10 and either adjoins or is interior to Capital Circle;~~

~~ii.The site is not within a Planned Development (PD), or Planned Unit Development (PUD);~~

~~iii. The site is served by a roadway constructed to city standards and for which there is adequate roadway capacity;~~

~~iv. All other infrastructure, including water, central sewer, and electric infrastructure, is available to serve the site;~~

~~v. The significant grades do not include nor are they adjacent to previously protected preservation or conservation features on site for which off-site mitigation is not an option; and~~

~~vi. In the opinion of the Director of the City of Tallahassee Growth Management Department, the significant grades onsite are not critical for buffering or maintaining ecological integrity of preservation features or other conservation features onsite or on an adjoining parcel;~~

~~B. Demonstration of necessity for off-site mitigation.~~

~~i. The applicant shall demonstrate to the satisfaction of the Director of the City of Tallahassee Growth Management Department that the development cannot be made compatible with the significant grades on site; and~~

~~ii. The applicant shall demonstrate to the satisfaction of the Director of the City of Tallahassee Growth Management Department that the development cannot avoid, ameliorate, or minimize impacts to the significant grades on site.~~

~~C. Employment of the off-site mitigation option:~~

~~i. Employment of the off-site mitigation option shall preclude the use of incentives, including subsections 5-85(e) and 5-86(f)(1) of the City's Code, that reduce the percentages of the site dedicated to landscaping or urban forest preservation.~~

~~ii. An off-site mitigation plan for the development of significant~~

~~grades onsite has been approved and in the opinion of the Director of the City of Tallahassee Growth Management Department provides net environmental benefits.~~

~~iii. If there exists within the same drainage basin as the site of the proposed development a mitigation bank that is managed to provide environmental services ordinarily provided by significant grades, such as topographic diversity and the presence of vegetation communities~~

~~commonly associated with significant or severe grades, then the applicant shall be directed to participate in that mitigation bank.~~

~~iv. If a mitigation bank consistent with the intent of paragraph 5-81(a)(2)d.3.C.iii. of the City's Code does not exist within the same major drainage basin as the site, the applicant shall be directed to participate in a mitigation bank located elsewhere.~~

~~v. If no mitigation banks exist consistent with the intent of paragraphs 5-81(a)(2)d.3.C.iii and 5-81(a)(2)d.3.C.iv of the City's Code, the applicant shall acquire or use a conservation easement or similar instrument to protect in perpetuity lands that are twice (two times) the area of the significant grades onsite to be mitigated and that are located within the same major drainage basin. It shall be preferred that such lands be contiguous and not fragmented.~~

~~vi. If no such property can be protected under paragraph 5-81(a)(2)d.3.C.v of the City's Code, an applicant may pay a fee in lieu. The amount shall be calculated as follows: Three hundred percent of the property appraiser's assessed value for the property, divided by the total square footage of the property, and multiplied by the number of square feet of the significant grades onsite to be mitigated. This amount shall be deposited into an account whose sole purpose is to acquire and manage lands that provide the environmental benefits associated with significant grades.~~

~~D. Any site employing the off-site mitigation option for significant grades shall comply with any applicable stormwater standards adopted to further compliance with total maximum daily loads (TMDLs) or other surface water management programs or plans adopted by local Government.~~

~~4. High wage employment exception. Development in more than 50 percent of the significant grade areas may be permitted at the discretion of the City Commission for any proposed development (no matter where it is located) that exclusively contains industrial and/or office uses that create a significant number of new high wage employment. In deciding whether to grant such an exception, the City Commission shall conduct a public hearing and may consider factors like the number of jobs that are proposed to be created, the average annual wage of the jobs that are proposed to be created in comparison to the average annual wage of Leon County, and the applicant's long-term level of commitment and ability to provide the jobs.~~

~~5. Sediment and erosion controls for properties with significant grades. Properties containing significant grade areas shall install a "heavy duty silt barrier" for sediment and erosion control. The "heavy duty silt barrier" shall consist of a double row of type IV silt fence (as referenced in the state department of transportation's "Roadway Traffic Design Standards" and the state department of environmental regulation's "The Florida Development Manual: A Guide to Sound Land and Water Management"). One row shall be placed at the toe of the slope. The other row shall be placed ten feet beyond the toe. The silt fence placed beyond the toe shall be a silt barrier that consists of a type IV silt fence supported by "hog wire" fence. Wooden posts shall be six feet long and four inches in diameter and placed a minimum of two feet into the ground to support the "hog wire" fence. A continuous row of hay bales staked two feet on-center shall face the toe of the slope. All silt fences and hog wire fences shall be trenched and extended six inches below grade. Wooden posts shall be installed eight feet on-center on the downhill side of the trench. The Director of the City of Tallahassee Growth Management Department may approve an~~

~~alternative sediment and erosion control plan if it is demonstrated by the applicant that such alternative provides a higher level of protection.~~

(3) (same)

SECTION 12. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended, which provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.

SECTION 13. Severability. If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 14. Effective date. This ordinance shall be effective according to law.

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

LEON COUNTY, FLORIDA

BY: _____
_____, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE

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

2005 City Focus Group

Request to the Focus Group

Thank you for assisting me with the slopes issue in our community. I appreciated the direct and nonconfrontational dialogue from each of you during our discussions on this matter. Your different perspectives and backgrounds should significantly contribute to this process. As we discussed on Tuesday, I am looking for you to send me clear bullets on what you feel should be the purpose and intent of slope preservation, if any. If you feel they should not be protected, I also would expect clear statements as to why they should not be protected. After I have received comments from the entire group, I will assemble for all to review. Please have your comments back to me by this Thursday (8/25/05) so that I can keep this process moving.

As I mentioned on Tuesday, we will assemble every policy and code language that addresses each of your issues related to slope preservation. Once this information is put together, I will distribute and call our second meeting.

Again, thanks for your participation.

Wayne

Tom Asbury

All development creates problems whether you are developing on a flat piece of dirt or a slope. We have put in place a very restrictive set of ordinances to deal with the problems associated with developing land. Let's use it for that purpose.

I see no good reason for restricting sloped areas other than to create more green space in a development. Our comp plan designates we should develop to a higher density within the urban core in order to take advantage of the very expensive infrastructure.

If we want to set aside an area within a development that will remain green (water feature, landscaped, etc.) then let's decide what percent it should be, live with it, and build on the balance of the property.

Nancy Miller

I want to second Laurie's comment that these areas that are off limits to development should not be taxed at the rate applied to other property. For a long time I've wondered why a different taxing structure didn't exist for wetlands, severe grades, unique forest stands (native and hi quality successional) and to some extent floodplain. If the community wants these areas protected, the land owner should get some benefit for having that unique resource on his property.

I just thought of something I left out - soil types and rainfall amounts and intensity. The soil types - Orangeburg, Dothan and Norfolk – are very erodable and are concentrated in

the Red Hills area, which is under the most intense development pressure. Couple those soils with the rainstorms we have, unique in their intensity but also in high volumes, and you have very sensitive and potentially unstable situation.

Now I'll read what the rest of you wrote.

In reviewing some old records as to how the slopes protection came about, I find that it was originally in the city and county ordinances prior to the development of the comp plan. Respect for local topography was apparently just common sense back then. That practice has stayed in place today. Both local jurisdictions stress the need to coordinate the land use with the natural topography.

Why protect slopes?
- Community character. This community is identified by its rolling hills and the people who live here are proud of the way their community looks. Every advertising effort to attract business and people to Tallahassee touts the beauty of rolling hills (and the tree cover). The ups and downs of Mahan Drive, Apalachee Parkway, and all our local roads make traveling through town interesting and pleasurable. The topography makes us different from the rest of Florida - we have topography, yet we're only a few miles from the coast.
- Maintaining the integrity of the land itself. Vegetation is not just what appears on top of the land. The root mass below the surface makes up a complex matrix, developed over hundreds of years, that holds the ground together. That matrix may extend deep into the land surface and when the vegetation is removed, that matrix begins to fall apart. Replanting takes a long time, if ever, to recreate that matrix.
- Erosion, water quality degradation and the TMDL issue. Everyone knows that we have a problem with sedimentation degrading area streams and lakes. Sedimentation just plain smothers an aquatic ecosystem. And since there is so much phosphorus in our soils, that sedimentation creates the added problem of nutrient pollution. Local government is currently under negotiation with EPA and FL DEP as to the amount of phosphorus that can be allowed in area waterbodies (TMDL) and that phosphorus is attached to soil particles. At a February 7, 1990 special city commission meeting, a member of the EMO citizens committee said, "the Federal Register had reported that the two primary causes of urban pollution were those that resulted from the oil and grease from roadways and FROM CONSTRUCTION, ESPECIALLY WITH SEDIMENT FROM CONSTRUCTION SITES." Right now those slopes where vegetative cover is intact help to prevent soil erosion.
- Saves taxpayer money. Stringent standards that prevent the alteration of that vegetative integrity I talked about help to ensure that we don't face higher costs to treat pollution and runoff, to build stormwater ponds, to restore waterbodies and to pay EPA fines. Keeping those slopes as undisturbed as possible actually saves taxpayers money. NOTE: It's not enough to say "Well, we'll make the erosion controls stronger." The controls we have now aren't doing the job. There is not enough enforcement, and it's just really difficult to control erosion anyway.
- Severe slopes usually harbor other preservation features and are areas of biological diversity.

In closing I'd like to add two comments:
Severely impacted watersheds around the country like the Chesapeake Bay, Puget Sound and the Great Lakes Basin are moving into developmental practices called low impact development (LID). Important premises of LID are that the land use is coordinated with the natural topography of the site and that the site is graded as little as possible. Now reread my first paragraph. Our city fathers knew this thirty years ago. What does that say for us?

Second, why are we here? Leon County is 445,000 acres in area. Outside of conservation areas we have 805 acres of severe slopes in the city and 1000 acres of severe slopes in the county. That's 0.4% of our land area. There are 17,000 acres of significant grades throughout the county (outside of present conservation areas) or 3.8% of our land area. Haven't we got more pressing problems?

Charles Pattison (8/17/05)

1. the JUSTIFICATION for slope protection IS RELEVANT for the following reasons as identified as preservation features in the comprehensive plan in order to prevent:

   degradation of water quality

   degradation of freshwater storage capabilities

   degradation of biological productivity

   damage to property/loss of life from flooding

   degradation of viability/diversity of native plants/animals and their habitats

   loss of irretrievable or irreversible resources.

   Further, an excerpt from "development criteria" for significant grades says:

   > "The intent of protecting sloped areas of ten percent and above is to Maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation."

   The above are as valid today as when they were adopted in 1992(?) Why change? This was a conscious statement of community policy that the public does not want ENGINEERED solutions to these issues, meaning, where possible, just leave slopes alone.

2. The point should be that each of the above factors are present in differing degrees. In other words, one site with slopes may not have anything to do with plant or

animal habitat or even flooding. If that's the case, then why should a restrictive standard be applied? There is no good answer.

I suggest staff consider a MATRIX of values be prepared in conjunction with the biological staff so that values are assigned to each factor. Factors totaling an agreed upon threshold would either be given more or less latitude to disturb or preserve a slope feature. When a draft is completed, it should be reviewed by an acceptable peer group of outside biologists.

However, if the staff is not comfortable with this approach, then I recommend NO CHANGE.

3. One key component not found in #1 above is the preservation of visual quality. A diverse landscape, with slopes, is one of the things that make Tallahassee unique. We don't want to look like anyplace USA.

   One problem with the current requirements is that they don't allow for flexibility in meeting the standards. For example, consider Policy 1.2.2(L):

   "The type, intensity and structural design of any development proposed for a site shall be appropriate to the existing natural topography."

Staff should develop criteria that biologist, engineers and citizens can agree upon that allows one to build even in a severe slope areas IF (1) a matrix as suggested in #1 above suggests approval, and (2) a design can be shown to not be detrimental to the protection of the slope at issue.

4. The engineering section needs to show why/how removing slope protection DOES NOT increase public costs of treating stormwater elsewhere, including offsite. Related to this, studies should be done to show WHY on-site stormwater retention is preferable to regionalized systems.

5. I believe INCENTIVES should be developed that promote the preservation (by recorded easement) of the most severe slopes, with the idea that a property owner with a high quality/most sensitive slope actually gets credit for having and maintaing such a feature. The "incentive" could be more density or intensity of uses that may even need to be transferred to another site.

6. What happened to **offsite mitigation**? My understanding is that this was added recently with no takers even though this was pointed to as the solution to "infill". Has this option been explained to the development community?

7. NO CHANGES should be made to slope protection without understanding the impact such changes could have to other ordinances, and vice versa, regarding other issues such as stormwater, native vegetation, density, lot size, etc.

8. How big a deal is this problem? Nancy Miller read off acreage figures that suggest this is a very small percentage of acreage for both the city and county. What is the push for any change?

9. Really should explore building height increases in most areas as a way to allow for more development without increasing the building footprint. This should be helpful EXCEPT within the historic district.

10. Really need to look at WHERE slope protection is critical, and in particular, where offsite mitigation is most appropriate. It would certainly seem that protecting very small, isolated slopes within the urban service boundary (unless there are some outstanding habitat are other factors) has less value that conserving larger, more intact systems elsewhere. So, I suggest our group also needs to look at the current line for where not only offsite mitigation is allowed, but possibly the creation of other "lines" that provide for more or less flexibility depending on the value of slopes in play.

Zoe Kulakowski

Attached is what I prepared this weekend focusing on why we need slope preservation. I am not against any proposal to allow development on some steep slopes such as the matrix Charles suggested, but the problem would be using criteria that would not be subjective. We would need concrete and defensible criteria. Perhaps some examples of high value and low value steep slopes could help here.

Slope protection is needed to prevent erosion, retain well-established vegetation, maintain topography, protect surface water and groundwater quality, and to protect habitat. Each aspect is discussed below in detail.

(1) One of the reasons for the regulations regarding significant (10% to less than 20%) and severe (greater than 20%) slopes is to control erosion. In Tallahassee, these steep slopes are often formed on clays and clayey soils that are easily eroded when the native vegetation is removed. Building on these slopes requires constant maintenance, repair and revegetation of the adjacent ground surface. Stormwater runoff erodes these clays, generating turbid runoff that produces deposits (deltas) at the bottom of the slopes or turbidity plumes in the downhill streams and water bodies.

(2) By retaining the native well-established vegetation, the soil is secured to the ground surface by ground plants, shrubs and trees. The leaves deflect the force of rainfall from disturbing the surface soil and this benefit is lost when the vegetation has been removed and mowed. A wide variety of plant types have a wide variety of root masses; some thick and close to the land surface and others (such as trees) may have roots that extend 10-30 feet below ground surface. To understand root mass benefit, think of rope that has many slender strings that would break as an individual but collectively produce a very strong rope. These established root masses increase the porosity/permeability of the soil and thus allow greater infiltration of stormwater into the soil. The more water that drains into the ground, the less that is available to flow over the land surface and erode the soil. The increased porosity of the soil is quickly lost when the vegetation is removed because

those root mass pathways decay and minimize in number and size without the living plant. The root mass also removes the nutrients from the stormwater when the plants take in water for their daily needs. The volume of groundwater extracted for plant needs can be substantial. Consider that each oak tree needs 30-40 gallons per day.

The native plants also slow the flow rate of stormwater by increasing the tortuosity (more curves and a longer flow path) and roughness (an engineering term that assigns a value for different ground covers. A forest has greater roughness than grass and grass is better than concrete.) The speed of flowing water has a direct relationship with its ability to erode and sediment carrying capacity and slow speeds are crucial to preventing erosion. Undisturbed native vegetation is denser in its coverage than any landscaping. Undisturbed native vegetation is also more effective than any engineered structure.

(3) Alteration of the topography is mainly an aesthetic impact. In the Appalachian area we see many former borrow areas converted into commercial property with the resulting cliff still visible behind the building. Any recontouring of the land surface removes the topsoil and organic component necessary for re-establishing vegetation as well as the roots.

(4) Eroded sediments affect surface water quality by the turbidity that reduces/eliminates water clarity. Any nutrients (from fertilizers) and pesticides previously applied to the soil are also now in the surface water. These nutrients and pesticides behave the same as they do in soil; encourage the growth of plants (flora) and kill small beneficial organisms (fauna) that are part of the food chain. The net result is an imbalance of flora and fauna where by not enough organisms remain to consume the excess plant growth.
Our area is dotted with sinkholes and other karst features that allow rapid connection between surface water and ground water. Some of these sinkholes are located on lake bottoms (Lake Jackson and Lake Lafayette) and other sinks are known to reverse flow, sometimes swallowing surface water and other discharging as a spring. We have gaining (from ground water recharge) and losing (surface water drains to ground water) streams and these conditions can reverse during the year.

(5) Erosion affects upland and aquatic creatures by destroying their habitat by burial. Many species have shelter in the soil and sediment, under logs and in the plants. Sediment burial and the turbidity in the water column limit the ability of aquatic creatures to find and capture food.

Typical stormwater treatment systems are capable of reducing the total pollutant load by 80-95% and phosphorus by 60%. Vegetation growth remains the best and most cost-effective way to remove nutrients from stormwater. In fact, the Everglades Restoration Project is building huge Stormwater Treatment Areas (STAs) that are no different from wetlands to reduce phosphorus.

Laurie Dozier
Given that I am not an engineer, a land planner, a geologist, a biologist, etc. the comments below are mainly observations based on what I've heard or read and personal opinions.

What I've heard or read:

-There are 450,000 acres in the City (or was it the County?)
-There are only 1,800 acres of severe slopes
-There are only 17,000 acres of significant slopes (of which 50% are currently allowed to be developed)
-Development of over 50% of significant slopes is allowed for urban infill and to create new high wage jobs
-Off-site mitigation is allowed
-Everything in Zoe's comments

My Thoughts

-If we are currently allowed to develop 50% of significant slopes on any site, are allowed to develop property with significant slopes if we have off-site mitigation and are allowed to develop more than 50% of significant slopes for urban in-fill or high paying jobs then the limitation on developing significant slopes seems to me to be based on feel-good notions rather than science.

-Zoe, while I understand and appreciate all that you have written, it seems to me that your comments apply to all property. Clearly, any development, regardless of topography, is a great step-down for the environment. It seems that the unique features of greater slopes is the soil type and the velocity - the more clay in the soil + the greater velocity of run-off = increased erosion. Since we are talking about developing property, not clearing it alone, the difference in steeper slopes seems to be controlling the run-off during construction. While I know first hand how improbable it is to design temporary controls for our 6" storm events, I would guess, given the limited number of acres in play, that the blowouts on properties with steep slopes, however great, would be significantly less than the combined flatter properties being developed.

-I would hope that property which currently can not be developed is not being taxed at the level of developable land, if it is, then I believe we owe those tax payers a refund.

So, what do I think?

Given:

-That significant slopes can already be developed
-That there is a very small amount of land designated as severely sloped
-That we expect development to continue in our community
-That we are talking only about land in the City limits

It seems to me that the main reason to keep significantly and severely sloped land undeveloped is because they may be unique and beautiful. Therefore, just as governments have been doing for some time, I believe our community should buy the land they want to preserve and allow our strong environmental ordinances to control how land is developed.

Cliff Lamb
Thank you for your efforts in this endeavor. In response to your request, I would first like to outline my observations to establish my frame of reference with regard to slope regulation.

Historically, developments were more self-regulated than code driven. You can see areas throughout the urban core that are vacant because they were passed over by development activities due to any number of reasons. Some of those were bypassed simply because they contained slopes. It is openly recognizable that development on sloped terrain creates its own difficulties for the developer and adds to the cost of construction and management, thus the earlier reference to self-regulated developments.

- A positive attribute of the historical development pattern is that slopes were reserved, as a practical matter, rather than regulation.

- A negative attribute of this development pattern was that urbanization was expanding more rapidly than the supporting infrastructure could handle.

Enter the Comprehensive Plan. Policies were emplaced to eliminate urban sprawl, control the urban core and develop only where the necessary supporting infrastructure was in place. I think that it is agreed that a fundamental premise of the comprehensive plan objectives is for infill before expansion.

The comprehensive plan also calls for the protection of natural features and list slopes within that category. This is a direct conflict with the concept of infill. If asked to evaluate the conflict, I would look at the benefit/cost to the community, on both sides of the issue.

The benefits of slope protection include wildlife habitat, soil conservation, green space for infiltration, as well as other elements that I trust will be adequately addressed by representatives of the committee. As a consultant sitting on the committee, I believe that I can provide perspective by summarizing the practical application of the regulations.

There are parcels today that meet all the concurrency requirements, sewer, water, transportation, schools, etc., and meet all the zoning requirements for density within the urban services area, but are restricted due to the slope regulations. Under-developing what would otherwise be "developable" parcels (with the zoning and concurrency, utilities, etc.) due to slope regulations only brings pressure to expand the urban service area to meet the un-serviced demand.

It was noted earlier that developing sloped parcels is more costly than flat parcels. These additional costs relate to cut and balance, stormwater management and construction practices to be employed. However, the cost of expanding the service area, extending or upgrading all fringe infrastructure, etc., far exceeds the cost of site management.

One comment in our initial meeting was that the quantity of lands influenced by the ordinance only represents a small percentage of the County. Be that as it may, then a counter argument would be the impacts from removal of the restriction would only affect a small percentage of the County. I think this argument is irrelevant- the issue remains policy,

> Is the magnitude of the benefit of slope protection equal to the magnitude of the cost of urban expansion that results from lost infill?

I look forward to the discussions. Thank you.

The Focus Group discussed the slope standards at length and agreed on the following recommendations, which should form the basis for proposed Comprehensive Plan amendments and Code revisions by the County. All recommendations are for proposed changes to the regulation of significant slopes, and the Focus Group recommends that all proposed revisions to the current slopes regulation be limited to inside the USA. The Focus Group recommends that the current regulations for severe slopes remain unchanged except for the interpretative clarification recommended in Number 5 below.

1. Exempt commercial sites inside the Urban Service Area from significant slope standards, provided the sites are less than or equal to three (3) acres in size with no other preservation features present on the site. Associated storm water impacts must be mitigated according to an approved storm water management plan.

2. For the purpose of meeting infill goals within the USA, allow residential development to occur on a significantly sloped site provided that:

- A grading plan is submitted and approved;
- Associated storm water and water quality impacts are mitigated based on performance-based guidelines implemented through the County's LDRs.
- The homeowners' association agrees to be responsible for assurance that storm water management structures remain in place over time and that homeowners are fully aware that such structures located on their properties cannot be altered;
- County GEM retains the right to inspect storm water management facilities at any time; and
- County GEM is authorized to go onto any property that is not in compliance to restore, at the property owner's expense, storm water facilities that may have been altered by the owner or others.

3. Develop guidelines for incorporation into the County's LDRs to allow and encourage the use of low impact development techniques as an alternative to conventional storm water management. Low impact development practices include:

- Minimizing grading to preserve natural topography;
- Clustering development to reduce impervious surfaces and avoid highly erodable or sensitive areas;
- Using on-site bio-retention systems in commercial and residential sites and rain gardens on residential lots to reduce and treat storm water;
- Using vegetated swales instead of costly curb and gutter systems; and
- Using permeable pavement materials in low-use areas to increase infiltration and reduce runoff.

4. Do not protect or regulate manmade slopes (significant or severe). The Comprehensive Plan states that it is not the intent of the slope policy to regulate manmade slopes (such as drainage ditches), yet there are anecdotal instances in which this has occurred. The LDRs should be amended to specifically implement this Comprehensive Plan policy regarding manmade slopes.

5. Do not protect or regulate isolated significant slopes that are 0.25 acres or less in size. Small areas of severe slopes of 0.25 acres or less that are part of regulated significant slope features should be treated as significant slopes.

Staff supports the recommendations from the GEM Focus Group as outlined above with regard to the regulations of significant and severe slopes. Staff recommends that they be utilized as the guiding criteria for any proposed changes to the Comprehensive Plan and LDRs regarding the protection and regulation of slopes.

(3) GEM Special Project Assignments

- **Gem Special Project Assignments (Workshop Item C./Page 32)**

In the April 26, 2005 Board workshop item, staff noted that a substantial amount of staff time (estimated at approximately 55% or greater) is associated with Board-assigned special projects and other non-fee related activities, such as code enforcement and grants management. Additionally, staff provides support for the several code-established boards and Board-appointed citizen's advisory groups and committees. Staff had requested Board direction concerning this issue.

The Focus Group discussed this issue and concluded that the Board will and should continue to assign special projects to GEM, and staff will and should be required to provide support to the various boards (Code Board, BOAA, etc.) as required by County Code. In order to address these types of assignments and to assist with the development review and permit streamlining as recommended by the Focus Group, the Group recommends that the Board approve additional staffing for the Department. Additionally, the GEM Focus Group recommends that the Board increase the applicable fees as appropriate to off-set the costs associated with the additional staff.

(4) Initiatives/Recommendations from the GEM Focus Group

The following items and issue areas associated with the permitting process were not specifically identified and discussed in the staff workshop item that was presented to the BCC on April 26, 2005.

- **Revising and Updating the Public Works Design Guidelines Manual.**

At the request of the Focus Group, staff from the Public Works Department met with the Group to

Minimum Countywide Environmental Standards
Citizen's Committee Meeting
December 2, 2011
11:30am

Citizen's Committee Members in Attendance: Roger Wynn, Cliff Lamb, Carmen Green, Judy Hayden, and Pamela Hall.

Staff in Attendance: John Kraynak, David McDevitt, Karen Jumonville, Laura Youmans, Linda Hudson, Hetal Desai, Dwight Arnold, Brian Wiebler, Steve Palmer, Rodney Cassidy, and Jill Weisman.

Meeting was called to order by David McDevitt.

John Kraynak gave an overview of the topics to be discussed at today's meeting, but added that two more issues had arisen recently that staff requested the Citizen's Committee review and provide recommendation.

The two additional topics were the definitions of "native forest" and "tributary." In regards to native forests, staff recommended striking the statement in the County's current definition that states, "These plant communities are recognized as those occurring in Leon County at the time of European settlement." After a brief discussion, the Committee agreed with the staff recommendation. Pam Hall also noted that within the recommended draft language for this definition under characteristics for a high quality natural community, the "and" and "or" statements do not correlate and should be revised.

Discussion followed regarding the second additional topic, the definition of tributary. The consensus of the Committee was to delete the definition for tributary from the draft ordinance, since the current definition of "watercourse" encompasses tributaries.

The discussion then progressed to the regularly scheduled agenda items. The first item of discussion was the regulation of wetlands. County staff recommends that the City EMO be revised to prohibit construction in wetlands, but City staff does not support this recommendation. After discussion, including the fact that any proposed construction within a wetland would require North Florida Water Management District approval anyway, the Committee consensus was to maintain each jurisdiction's regulations as currently established in their respective codes.

Regulation of significant slopes was then addressed. Staff recommendation was to maintain both jurisdictions' respective codes as currently established, but with additional language to allow disturbances within significant slopes in certain circumstances and in specific geographical areas. Discussion ensued, including the acknowledgment that in order to incorporate the additional language to allow for relaxation of the slopes regulations in specific circumstances would require a Comprehensive Plan amendment. The group also determined that this Comprehensive Plan amendment would need to reflect different slopes regulations for properties inside versus outside the Urban Service Area. The consensus of the Committee was to accept the staff's recommendation, and to support the required future Comprehensive Plan amendment, including the caveat that the standards would be different for properties inside versus outside the USA.

The final topic for discussion was the construction of sidewalks within the Canopy Road Protection Zone (CRPZ). The area for Committee recommendation focused on the maximum

sidewalk width allowed by City and County within the CRPZ. After a brief discussion, the Committee consensus was to accept the staff recommended draft language, but change the stated four (4) foot width to five (5) foot width.

General discussion then followed, including the question of how to differentiate between "County/City Administrator or designee" references. If was determined that the attorneys from both jurisdictions would discuss and determine the best was to generalize these references.

David McDevitt stated that a status report agenda outlining the progress of this Committee is scheduled for the December 13th BCC meeting. John Kraynak will finalize the draft ordinance based on the Committee's recommendations, and will forward it to all members for review.

Also mentioned was the need for an established procedure for future amendments to the minimum standards ordinance. Staff suggested that a committee comprised of the Directors of County DSEM, City Growth Management, and PLACE convene on an as-needed basis to review any proposed amendments. Laura Youmans suggested an interlocal agreement that would establish a clear set of procedures. It was determined that the Committee would convene again in January to discuss this issue further and make a recommendation.

The final issue discussed was whether or not to strike the section in the County's EMA entitled "Best Management Practices." It was determined by the Committee that since each of the topics included within this section is included within other sections of the code that this section is redundant and should be removed.

Meeting adjourned at 1:15pm.

Leon County Code Related to Topographic Changes and Stormwater

Sec. 10-4.327. - Topographic alterations.

All projects involving alteration of the contour, topography, use or vegetation cover of land, shall comply with the following minimum standards:

(1)

*Sedimentation and **erosion** **controls**.*

a.

*Installation of **controls**.* No clearing, grading, cutting, or filling shall commence until **erosion** and sedimentation **control** devices have been properly installed, in accordance with an approved plan, between the area to be disturbed and adjacent property, water bodies, watercourses (including inlets and culverts), and wetlands. Clearing and excavation required for installation of **erosion** and sedimentation **control** devices is allowed provided no activity occurs more than five feet from the location of **control** devices as specified in an approved plan.

b.

*Methods of **controls**.* **Erosion** shall be minimized and sediment retained on the site of development through the application of best management practices approved as part of the environmental management permit. Methods of **control** shall be suitable for site size, vegetative cover, soil type, slope, design features and proposed construction sequence and activities. Allowable methods include:

1.

Limiting the amount of clearing necessary.

2.

Staging clearing activities to minimize the length of time any area is left unstabilized and to minimize the total area cleared at any one time.

3.

Temporary gravel construction entrances.

4.

Straw bale barriers.

5.

Silt fences.

6.

Storm drain inlet protections.

7. Temporary diversion dikes.
8. Temporary sediment traps.
9. Temporary sediment basins.
10. Temporary stream crossings.
11. Seeding so as to establish an appropriate vegetative ground cover.
12. Sodding.
13. **Erosion control** and seeding mats.
14. Other suitable methods as approved by the county administrator or designee.

c. *Maintenance of **controls**.* Once properly installed, **erosion** and sediment **controls** shall be maintained pursuant to section 10-4.210 until a permanent vegetative ground cover is established. Any site or portion thereof where work is not being performed as part of the current phase of development, and which remains cleared for over 30 days, shall be stabilized through the establishment of appropriate ground cover. All disturbed areas shall be permanently stabilized through the establishment of appropriate vegetative ground cover upon completion of development activities on the site.

(2) *Grade change limitations.* It is the intent of this article to minimize alterations of the natural topography of land within the county.

a. The type, intensity, and structural design of each proposed development project shall be consistent with and compatible with natural pre-development topography and characteristics of the proposed site.

b. Alterations of natural topography shall not exceed the absolute minimum necessary to develop a site safely. Design criteria will emphasize site designs that fit the topography, not change the

topography to fit the design. Any development proposed for a site shall be appropriate to the existing natural topographical characteristics of the site, while recognizing that minimal grade changes are essential to site development.

TEXT AMENDMENT #: PCT130110

APPLICANT: Tallahassee-Leon County Planning Department

TEXT/POLICY I.D. #:
Glossary Terms for: High Quality Successional Forest, Native Forest, and Wetland.

CITY _X_ COUNTY _X_

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCT130110

A. SUMMARY:

The requested text amendment is intended to update definitions included in the Comprehensive Plan Glossary based on the updates conducted by the City and County as part of the Countywide Minimum Environmental Standards project. This update will help to avoid any future confusion related to significant differences between the environmental definitions in the Comprehensive Plan and those in the Land Development Code of each jurisdiction.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The requested amendment will avoid future confusion related to differences between the environmental definitions in the Comprehensive Plan and those in the Land Development Code of each jurisdiction.

2. The requested amendment further implements the Countywide Minimum Environmental Standards project.

C. EXISTING TEXT/POLICIES: See Attachment #1

D. PROPOSED TEXT/POLICIES: Attachment #1 includes all proposed amendments in legislative format and provides staff notes describing each change.

E. APPLICANT'S REASON FOR THE AMENDMENT:

The proposed text amendment is intended to update definitions included in the Comprehensive Plan Glossary based on the updates conducted by the City and County as part of the Countywide Minimum Environmental Standards project. These changes will avoid confusion between the definitions included in the City and County Code and the definitions in the Comprehensive Plan.

F. STAFF ANALYSIS

History

The proposed amendments are associated with implementation of the Minimum Countywide Environmental Standards project as proposed by the Citizen Charter Review Committee. The Charter Amendment that initiated this process was approved by voters on November 2, 2010 and became effective April 1, 2011.

At their December 13, 2010 Retreat, the Board approved a staff proposal to implement the Charter Amendment through a "two-phased" approach. Phase 1 consisted of adoption by the Board of uniform stormwater management standards for water quality in those basins and/or special study areas that bisect jurisdictional lines, and incorporated the City's environmental regulations into the County Environmental Management Act (EMA). The Phase 2 component of implementation included coordinating with the Board-appointed Citizen's Committee and City staff to integrate all remaining County and City environmental regulations into one recommended Minimum Countywide Environmental Regulations Ordinance adopted by the Board on May 8, 2012.

Planning Department staff participated in the Phase 2 implementation process to ensure that all changes to the City and County regulations were consistent with the Tallahassee-Leon County Comprehensive Plan. Through this process, the three Glossary definition updates included in this amendment were identified.

Analysis of Proposed Text

The proposed definition changes noted in Attachment #1 are intended to directly implement the definitions developed by City and County Staff, approved by the Board-appointed Citizen's Committee, and already adopted into code by the Board and the City Commission. This update will help to avoid any future confusion related to significant differences between these environmental definitions in the Comprehensive Plan and the Land Development Code of each jurisdiction.

County Strategic Priorities

By completing implementation of the Countywide Minimum Environmental Standards project, the proposed amendment supports one of the Board's key Strategic Initiatives regarding the environment: "Implement strategies that protect the environment and promote orderly growth,

including: develop Countywide Minimum Environmental Standards, develop minimum natural area and habitat management plan guidelines, integrate low impact development practices into the development review process, and consider mobility fee to replace the concurrency management system."

G. CONCLUSIONS:

Based on the above analysis, the Planning Department recommends approval of the amendment request for the following reasons:

1. The requested amendment will avoid future confusion related to differences between the environmental definitions in the Comprehensive Plan and those in the Land Development Code of each jurisdiction.

2. The requested amendment further implements the Countywide Minimum Environmental Standards project.

H. ATTCHMENTS:

Attachment #1: Amendment in Strikethrough/Underline Format with Staff Notes

GLOSSARY

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

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

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

Staff Note: The above change provides for a unified City and County definition for "High Quality Successional Forest." The updated definition provides increased clarity for implementation and was developed by City and County staff as part of the Countywide Minimum Environmental Standards project.

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

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

1) The plant species composition is dominated by high quality indicator species which are typical of their natural community type;
2) The community may contain invasive exotic plants that could be controlled through management;

3) Evidence of historical disturbance may be present, but the disturbance has not destroyed or prevented the re-establishment of a high quality natural community type.

Staff Note: The above change provides for a unified City and County definition for "Native Forest." The updated definition provides increased clarity for implementation and was developed by City and County staff as part of the Countywide Minimum Environmental Standards project.

WETLAND (*Revision Effective 6/28/02*)**:** Wetlands mean those areas included within the landward extent of surface waters of the state, pursuant to applicable rules in the Florida Administrative Code, or any area which is ~~that are~~ inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and which under normal circumstances does ~~or would~~ support~~, at least periodically,~~ a prevalence of vegeta~~ta~~tion typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing~~ed~~ soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligated hydrophy~~y~~tic macrophytes that are typically adapted to areas having soils conditions described in this definition~~above~~. These species, due to morphological, physiological, or reproductive adaptations have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps and marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The City of Tallahassee and Leon County intend to continue to protect isolated wetlands and wetlands on properties held by a single owner. Isolated wetlands and wetlands in one ownership must meet the State of Florida's definition for wetlands with regard to percent composition of wetland plant species, hydrologic indicators, and soils (Chapter 62-340, F.A.C.)

Staff Note: The above change provides new text for consistency with the Florida Administrative Code. Additional edits small edits are included to improve accuracy.

TEXT AMENDMENT #: PCT130111

APPLICANT: Tallahassee-Leon County Planning Department

TEXT/POLICY I.D. #: Mobility Policy 1.1.10 and Land Use Policy 2.1.8 and 2.2.10

CITY: _X_ COUNTY: _X_

DATE: January 9, 2013

STAFF RECOMMENDATION: Approve Amendment PCT130111

A. SUMMARY:

This is a request to amend the Mobility Element and the Land Use Element. The amendment updates and removes outdated language in Policy 2.1.8 [L], Policy 2.2.10 [L] and Policy 1.1.10 [M], and correctly identifies the policy guidance to receive a density bonus in the Mobility District (Multi-Modal Transportation District).

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

The proposed amendment clarifies and updates policies 1.1.10[M], 2.1.8 [L] and 2.2.10 [L] to make them consistent with the Comprehensive Plan.

C. PROPOSED POLICIES CHANGE:

Policy 1.1.10 [M]

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

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

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

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

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

Notes:

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

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

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

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

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

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

Policy 2.2.10 [L]
CENTRAL CORE *(Effective 1/19/02; Revision Effective 7/26/06; Renumbered 3/14/0; Revision Effective 1/7/10)*

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

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

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

D. APPLICANT'S REASON FOR THE AMENDMENT:

This is a cleanup amendment to the Comprehensive Plan. The amendment updates and removes outdated language in policy 1.1.10 [M], 2.1.8 [L] and 2.2.10 [L] to make the policies consistent with the Mobility and the Land Use Elements.

E. STAFF ANALYSIS

The Comprehensive Plan currently contains language in Land Use Policy 2.1.8 and 2.2.10 and Mobility Policy 1.1.10 that is not pertinent and needs to be updated. This amendment requests the cleanup of text in these policies by removing the references to the deleted Central Core policies and by referencing the Mobility Element Policy that replaced one of the deleted Central Core Policies (formerly LU Policy 12.2.2). It also correctly identifies the policy guidance to receive a density bonus in the Mobility District. The three specific changes in this amendment are discussed below.

Change #1

In 2011, the City adopted the Community Code, which includes design standards for all lands in the Mobility District. As all areas designated Central Core occur within the Mobility District, the language in Policy 1.1.10 [M] requiring design standards in the Central Core is no longer needed.

Change #2

This change will delete note "4" from Policy 2.18 since it is no longer relevant and will renumber the remaining notes. In 2011, the City adopted the Community Code, which includes design standards for all lands in the Mobility District. As all areas designated Central Core, University Transition and Central Urban occur within the Mobility District, note 4 requiring design standards is no longer needed. Also in 2011, the content of deleted Land use Policy 12.2.2 was moved to new Policy 1.1.10 [M], as part of the new Mobility Element. However, note 3 in Policy 2.1.8 [L] was not updated to reflect this change. The amendment change updates this note to direct readers to Policy 1.1.10 [M] and correctly identifies the policy guidance to receive a density bonus in the Mobility District.

Change #3

The final change will update Land Use Policy 2.2.10 to provide correct policy reference within the policy.

E. CONCLUSIONS:

Based on the above data and analysis, the Planning Department recommends approval of the amendment request for the following reason:

1. The proposed amendment clarifies and updates policies 1.1.10[M], 2.1.8 [L] and 2.2.10 [L] to make them consistent with the Plan.

TEXT AMENDMENT #: PCT130112

APPLICANT: Tallahassee-Leon County Planning Department

TEXT/POLICY I.D. #: Mobility Element Future Right-of-Way Needs Map

CITY _X_ COUNTY _X_

DATE: November 19, 2012

STAFF RECOMMENDATION: Approval of Amendment PCT130112

A. SUMMARY:

This is a request to amend to the Future Right-of-Way Needs Map in the Mobility Element of the Comprehensive Plan (Attachment #1). As required by objectives and policies contained within the Mobility Element of the Comprehensive Plan, the Future Right-of-Way Needs Map should be reviewed and amended regularly to ensure consistency with locally planned transportation improvements and future growth. The Future Right-of-Way Needs Map was amended in 2011 to ensure consistency between the Future Right-of-Way Needs Map, the Year 2035 Long Range Transportation Plan, and planned local projects.

At this time, the only change requested is the addition of the Paul Russell Road extension to the adopted map. The Paul Russell Road extension was included on the Future Right-of-Way Needs Map prior to the 2011-01 Comprehensive Plan amendment cycle. The proposed Paul Russell Road extension traverses and bisects the English property, and this roadway was removed until such time as the English property was ready for development. In the interim, owners of the English property have moved forward with developing the property and as such, Planning Department staff requests the Paul Russell Road extension be added back to the Future Right-of-Way Needs Map.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed amendment will meet the requirements specified by Objective 1.6 of the Mobility Element: Identify right-of-way needed for planned future transportation improvements and protect it from building encroachment as development occurs to preserve the corridor for transportation use, to maintain transportation level of service for concurrency, to improve coordination between land use and transportation, and to minimize the adverse social, economic, and environmental impacts of transportation facilities on the community.
2. The proposed amendment will meet requirements of Mobility Element Policy 1.6.5: The Future Right-of-Way Needs Map shall be reviewed, and updated if necessary, every five years concurrent with the Long Range Transportation Plan update, or more frequently as necessary to address the growth and mobility needs of the local government.

3. The proposed amendment will be consistent with the existing City of Tallahassee "*Transportation Right-of-Way Preservation Ordinance*." This ordinance applies to land within or abutting future transportation corridors designated on/in the Future Right-of-Way Needs Map, the 2035 Long Range Transportation Plan and/or the Tallahassee-Leon County Comprehensive Plan.

4. The proposed amendment will protect future planned transportation corridors from encroachment by structures, parking areas, or drainage facilities, which has the potential to significantly reduce future acquisition costs.

5. The proposed amendment will assist the City and County in meeting and maintaining established level of service standards, accommodating planned future growth, and will help assure the continued development of a safe, efficient and sustainable transportation system for the citizens of Tallahassee and Leon County.

C. EXISTING TEXT/POLICIES:

Please see Future Right-of-Way Needs Map (Attachment #1)

D. PROPOSED TEXT/POLICIES:

Please see Proposed Revisions to the Future Right-of-Way Needs Map (Attachment #2)

E. APPLICANT'S REASON FOR THE AMENDMENT:

The proposed addition of the Paul Russell Road Extension to the Future Right-of-Way Needs Map is staff-initiated and was prompted by the need to coordinate with the initial development of the English property, which is bisected by this planned roadway.

F. STAFF ANALYSIS

At this time, the only change requested is the addition of the Paul Russell Road extension to the adopted map. The Paul Russell Road extension was included on the Future Right-of-Way Needs Map prior to the 2011-01 Comprehensive Plan amendment cycle. The proposed Paul Russell Road extension bisects the English property, and this roadway was removed until such time as the English property was ready for development. In the interim, owners of the English property have moved forward with developing the property and as such, Planning Department staff requests the Paul Russell Road extension be added back to the Future Right-of-Way Needs Map.

G. FINANCIAL IMPACT

The proposed amendment identifies the right-of-way needs for the future Paul Russell Road corridor. This proposed amendment allows the City and County to require modifications to future development plans along these corridors to ensure buildings and accessory uses are not placed within the corridor. This has the potential to significantly reduce future acquisition costs and provide clarity to the property owner regarding the desired corridor location..

H. CONCLUSIONS:

Based on the above data and analysis, Planning Department staff recommends approval of the amendment request for the following reasons:

1. The proposed amendment will meet the requirements specified by Objective 1.6 of the Mobility Element: Identify right-of-way needed for planned future transportation improvements and protect it from building encroachment as development occurs to preserve the corridor for transportation use, to maintain transportation level of service for concurrency, to improve coordination between land use and transportation, and to minimize the adverse social, economic, and environmental impacts of transportation facilities on the community.
2. The proposed amendment will meet requirements of Mobility Element Policy 1.6.5: The Future Right-of-Way Needs Map shall be reviewed, and updated if necessary, every five years concurrent with the Long Range Transportation Plan update, or more frequently as necessary to address the growth and mobility needs of the local government.
3. The proposed amendment will be consistent with the existing City of Tallahassee "*Transportation Right-of-Way Preservation Ordinance*." This ordinance applies to land within or abutting future transportation corridors designated on/in the Future Right-of-Way Needs Map, the 2035 Long Range Transportation Plan and/or the Tallahassee-Leon County Comprehensive Plan.
4. The proposed amendment will protect future planned transportation corridors from encroachment by structures, parking areas, or drainage facilities, which has the potential to significantly reduce future acquisition costs.
5. The proposed amendment will assist the City and County in meeting and maintaining established level of service standards, accommodating planned future growth, and will help assure the continued development of a safe, efficient and sustainable transportation system for the citizens of Tallahassee and Leon County.

H. ATTACHMENTS:

Attachment #1: 2011 Future Right of Way Needs Map

Attachment #2: Proposed 2013 Future Right of Way Needs Map

Effective with 11-01 Comprehensive Plan Cycle

FUTURE RIGHT-OF WAY NEEDS MAP

Project Type

Roadway Project

Transportation Systems Management

0 2.5 5 Miles

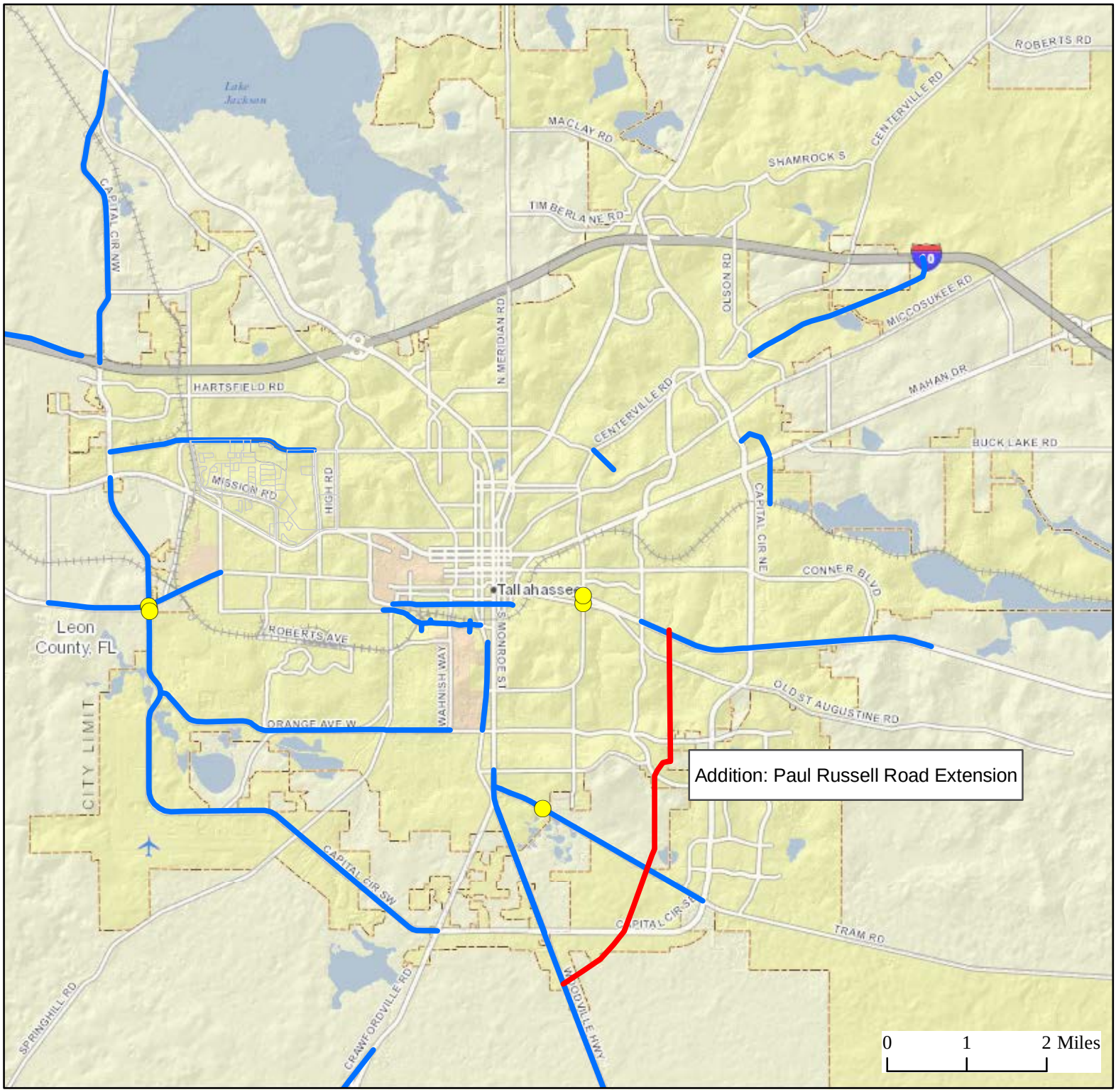
N

Tallahassee-Leon County
Planning Department
13 April 2011

Posted at 5:00 p.m. on April 1, 2013

Coordinate System: NAD_1983_HARN_StatePlane_Florida_North_FIPS_0903_Feet

Effective with the 13-01 Comprehensive Plan Cycle
FUTURE RIGHT-OF WAY NEEDS MAP



Project Type

Paul Russell Road Extension

Roadway Projects

Transportation Systems Management

N

Tallahassee-Leon County
Planning Department
19 December 2012

TEXT AMENDMENT #: PCT130113

APPLICANT: City of Tallahassee

TEXT/POLICY I.D. #:
Policy 13.1.4 [L]

CITY _X_ COUNTY _X_

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment Request PCT130113 with an effective date tied to approval of the Thornton Road Land Exchange by the State of Florida.

A. SUMMARY:

The proposed text amendment to the Welaunee Critical Area Plan changes the allowed roadway access from Arendell Way to Thornton Road, implementing City Commission direction provided on October 24, 2012 and County Commission direction provided on November 13, 2012. For the past several years, there has been a community discussion regarding the most appropriate location and process for a roadway crossing of the Miccosukee Canopy Road Greenway to provide access from Highway 90 (Mahan) and Miccosukee Road to the City owned portion of the Welaunee Toe.

A Memorandum of Agreement approved by the City on October 24, 2012 and the County on November 13, 2012, establishes a roadway crossing aligned with Thornton Road as the selected option. Staff will move forward with the State of Florida application process to seek a land exchange that will allow for the extension of Thornton Road. The proposed amendment will make the Comprehensive Plan consistent with this direction.

B. REASON FOR RECOMMENDATION FOR APPROVAL:

1. The requested amendment updates the Comprehensive Plan to reflect an important community decision regarding roadway location that was achieved through an open public process.

C. EXISTING TEXT/POLICIES: See Attachment #1

D. PROPOSED TEXT/POLICIES: Attachment #1 includes all proposed amendments in legislative format and provides staff notes describing each change.

E. APPLICANT'S REASON FOR THE AMENDMENT:

The proposed text amendment to the Critical Area Plan for the Welaunee Toe changes the road access from Arendell Way to Thornton Road and implements City Commission direction provided on October 24, 2012.

F. STAFF ANALYSIS

History

1. In December of 2005, the City Commission approved the purchase of approximately 428 acres of Welaunee Plantation property to facilitate the routing of the Eastern Transmission Line. Under the purchase agreement and consistent with the Comprehensive Plan Critical Area Plan, the City had certain obligations, including the development of a Stormwater Facilities Master Plan (SFMP). The SFMP was approved by the City Commission in May of 2011. As a result of the work required to support the SFMP, the decision was made to also seek approval of a Planned Unit Development (PUD) for this property.

2. During the City's work on developing the PUD application, there were significant discussions with respect to access to the City's property from Miccosukee Road. Under the terms of the purchase agreement, the City has rights to cross the Miccosukee Greenway at Edenfield Road and Arendell Way. One option that was identified to enhance the access to the property and address certain concerns identified was to relocate the Arendell Way connection to Thornton Road ("Thornton Road Extension"). This option provided the following benefits.

a) Addresses the concerns of the Arendell Hills Neighborhood Association with respect to traffic loading in their subdivision if the Arendell Way connection were developed.
b) Addresses an inconsistency in the long range mobility plan that calls for the extension of Thornton Road from Mahan to Centerville, not Arendell Way.
c) Results in fewer impacts to the canopy along Miccosukee Road. This is the result of less tree removal in the canopy road zone at the Thornton Road extension location versus the original access easement location at Arendell Way.
d) Provides for enhanced regional mobility that will be supportive of a potential new I-10 interchange on the City's property to connect with the new Welaunee Boulevard.

3. The relocation of the Arendell Way access point requires the approval of the State of Florida Board of Trustees for the Internal Improvement Trust Fund (TIITF) since the relocation impacts state lands (the Miccosukee Canopy Road Greenway).

4. At the time the Thornton Road extension was proposed, several stakeholder groups indicated some concerns with the proposal. These stakeholder groups included the Miccosukee Canopy Road Greenway Citizens Committee (MCRG), the Southern Trailriders Association (STR) and the North

Florida Paso Fino Horse Association (Paso Fino). City staff worked to resolve the concerns raised by these stakeholders but was initially unable to do so.

5. On October 26, 2011, the City Commission directed staff to defer the filing of the PUD application to allow City Commissioner Mustian and County Commissioner Desloge to seek a consensus on a modification to the access to the property.

6. There have been numerous meetings between the stakeholders and the Commissioners and with staff. Based on these discussions, staff, in conjunction with the stakeholders, developed a memorandum of agreement (MOA) between the City and County that was approved by the City on October 24, 2012 and by the County on November 13, 2012. The major provisions of the MOU are:

a) The parties agree, pending final approval of the TIITF, to relocate the Arendell Way access point to Thornton Road.
b) To facilitate the Thornton Road extension, the City will propose a land exchange with the TIITF resulting in 8.3 acres of Greenway property being deeded to the City and 19.77 acres of the City's Welaunee property being deeded to the TIITF. This is consistent with the TIITF 2:1 ratio requirements.
c) The City has agreed that the Thornton Road extension will be a two-lane road located within an 80 foot right-of-way. At the time the Thornton Road extension is developed, the MOA requires visual and landscape barriers to be included in the road construction, on Greenway property, with the intent to eliminate the ability to see traffic on the Thornton Road extension from the Greenway hayfield.
d) Upon all final approvals, the City will relinquish any rights to access their property at the Arendell Way easement. The City has agreed to not seek any additional access easements across the Greenway. The City retains the rights to the Edenfield access point.
e) The MOU may be amended if requested by the TIITF during their review and approval process. Any further amendments will require mutual agreement of the City and County, as well as approval by a simple majority of the stakeholders (see item 4 above) who are registered with the State and active at the time of the amendment.
f) Subject to appropriations by the City Commission, the City will pursue the I-10 interchange at Welaunee Boulevard.
g) The City will provide support to the STR in their pursuit of a multi-use land bridge across I-10 from the City's property in the vicinity of the proposed I-10 interchange. This support includes: (i) filing of the application, provided the City incurs no costs associated with the application and the City Commission at the time approves the action; and (ii) identification of potential trails through the City's property to allow access to the land bridge.

Analysis of Proposed Text

As mentioned in the History section above, relocating the vehicular access from Arendell Way to Thornton Road was identified to have the following benefits:

a) Addresses the concerns of the Arendell Hills Neighborhood Association with respect to traffic loading in their subdivision if the Arendell Way connection were developed.
b) Addresses an inconsistency in the long range mobility plan that calls for the extension of Thornton Road from Mahan to Centerville, not Arendell Way.

c) Results in fewer impacts to the canopy along Miccosukee Road. This is the result of less tree removal in the canopy road zone at the Thornton Road extension location versus the original access easement location at Arendell Way.
d) Provides for enhanced regional mobility that will be supportive of a potential new I-10 interchange on the City's property to connect with the new Welaunee Boulevard.

The proposed amendment also removes language related to the process for determining if access via Dempsey Mayo may be approved. According to the Canopy Planned Unit Development approved on April 1, 2011, the City Commission approved access via Dempsey Mayo on December 14, 2005, based on an analysis by Moore Bass Consulting dated November 9, 2005. This change will add clarity to the Plan by recognizing a decision that has been made.

G. CONCLUSIONS:

Based on the above analysis, the Planning Department recommends approval of the amendment request for the following reason:

1. The requested amendment updates the Comprehensive Plan to reflect an important community decision regarding roadway location that was achieved through an open public process.

H. ATTCHMENTS:

Attachment #1: Amendment in Strikethrough/Underline Format with Staff Notes

WELAUNEE CRITICAL AREA PLAN

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

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

…

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

…

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

…

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

Staff Note: The primary intent of the above change is to remove the road access at Arendell Way and establish the future access at Thornton Road. Details of the other smaller changes are provided below.

1. "Existing" is changed to "approved" to recognize that the Thornton Road access is not one of the access easements that existed when the policy was originally written.

2. "Easements" is changed to "corridors" to recognize that the proposed Thornton Road access will be via a corridor of land owned fee simple by the City, not via an easement across the Miccosukee Canopy Road Greenway.

3. The amendment also removes language related to the process for determining if access via Dempsey Mayo may be approved. The City Commission approved access via Dempsey Mayo on December 14, 2005, based on an analysis by Moore Bass Consulting dated November 9, 2005. This change will add clarity to the Plan by recognizing a decision that has been made.

Citizen Comments

From: Hodges, Steven M
To: Wiebler, Brian T.
Cc: CMP_PLN_AMND
Subject: FW: Disc Village Comp Plan Amendment
Date: Friday, February 01, 2013 2:50:43 PM

FYI.

From: Barry Poole [mailto:barry@poole-eng.com]
Sent: Wednesday, January 30, 2013 10:28 AM
To: Hodges, Steven M
Subject: Disc Village Comp Plan Amendment

Steve,

The second neighborhood meeting was conducted last Thursday, January 24, 2013 at the Woodville Elementary School.

The attendance was low, which was unexpected given that it was clearly announced that this meeting would present more specific development plans. The information provided included a preliminary site plan for the proposed cottages on the parcel not included in the comp plan amendment and a preliminary development plan for the parcels which are part of the comp plan amendment.

However, the attendees that were present did provide comments, questions and several opportunities to work together on improvements to the pedestrian and traffic movements in the area.

Nancy Stokely, principle of Woodville Elementary, discussed the traffic congestion at Natural Bridge's intersection with Woodville Highway. It was noted that the school buses cause a large portion of the traffic back-up down Natural Bridge, resulting from buses trying to make a left turn on Woodville Highway. Construction of a left turn lane would significantly help the situation and allow vehicles to proceed with a right-turn. This intersection improvement is relatively affordable versus a four-laned Woodville Highway, for example. In addition, Ms. Stokely mentioned that there may be grant money available for the construction of sidewalks, which are lacking in the area and pose a safety hazard to the elementary students walking to and from school.

This meeting was significantly different in character than the initial neighborhood open house meeting. There was very little negativity and the meeting concluded with a pledge from the development team to work with the community and school to bring about the possible roadway improvements and additional sidewalks.

Wastewater Treatment **Facility**

Mr. George McDonald, P.E. is to provide the information on the wastewater treatment upgrades this morning. The information will be necessary in making the determination as to when the sewer treatment plant is expanded (whether during phase 1 or 2). A bit of good news is that the most

recent plant permitting required significant improvements to the treatment level of nitrates which meet the advanced wastewater treatment standards. Mr. McDonald should have this information to me by noon today.

As of this email, the condition of approval requested is that the plant be improved to Advanced Wastewater Treatment standards at the time of expansion of the plant. This could be reduced to a specific threshold of allowing 120 residential units.

I am hopeful that the cost of plant improvement will be such that a commitment can be made to improve the plant in phase 1.

I hope to let you know that by the end of the day today. Please call me if you have any questions or comments.

Barry W. Poole
Executive Vice President
Poole Engineering & Surveying, Inc.
2145 Delta Blvd Ste 100
Tallahassee, Fl. 32303
barry@poole-eng.com
O: (850) 386-5117 F: (850) 385-0633

From: Hodges, Steven M
To: CMP_PLN_AMND
Subject: FW: PCM 130107 (Cassedy Parcels)
Date: Thursday, February 07, 2013 10:01:35 AM

PCM130107

From: Regan Jager [mailto:reganjager@gmail.com]
Sent: Wednesday, February 06, 2013 11:44 AM
To: Gillum, Andrew; Ziffer, Gil; Miller, Nancy; Marks, John
Cc: Hudson, Linda; Hodges, Steven M
Subject: PCM 130107 (Cassedy Parcels)

Good Morning!

I wrote to all of the Commissioners Monday regarding the new MNA position in support of the land use change to NBO for the Cassedy parcels as well as some remaining concerns we would like to address within the designation as it applies to these particular parcels. Hopefully you've had an opportunity to read over the email.

I have since been in contact with Linda Hudson and Steve Hodges who have been helpful in answering some questions and clarifying a few points. The remaining point of concern for us as residents and Midtown Neighborhood Association members is:

The building height 'restriction' under MMTD, which super cedes NBO, is 3 stories. The one story building currently standing on the property looms over our yard as it is up a significant grade from us. Three stories would absolutely be monolithic, even with the buffers required, should the property be redeveloped in the future. **We again, respectfully request that you direct the staff to rewrite the building height restrictions in MMTD to 2 stories maximum when adjacent to an RP1 or RP2 property**. The three story restriction certainly makes sense in some other areas within MMTD, but in the case of these parcels (and including the 'old vet parcel' already designated NBO) and any others that present themselves in the future that abutt inhabited, residential homes, three stories would be intrusive.

I would love to have any or all of you over to see for yourselves what three stories of future development would mean to our property and neighborhood. We have managed to navigate thought his process successfully to get the traffic situation under control by closing the illegal driveway on the RP2 lot and signage to alert drivers that they are entering a neighborhood. With the protections in place regarding types of business, hours of operations, lighting, signage, etc., under NBO as well as MMTD, we feel confident that this land use change can serve us and the property owner well as long as the building height restriction adjustment is made.

Thank you,
Regan Jager
President MNA

From: Hodges, Steven M
To: CMP_PLN_AMND
Subject: FW: Letter to the commissioners
Date: Thursday, February 07, 2013 10:01:17 AM

PCM130107

From: Regan Jager [mailto:reganjager@gmail.com]
Sent: Monday, February 04, 2013 1:27 PM
To: Hudson, Linda; Hodges, Steven M; Wiebler, Brian T.
Subject: Letter to the commissioners

Hello all!

I'm sending you a copy of the letter I wrote to the Commissioners this morning... Want to keep everyone in the loop so to speak. I will be requesting also that the language used in #2 from the Staff be changed since we would hate for this to be an opening into commercialization of this parcel AND WOULD LIKE THIS APPARENT TYPOGRAPHICAL ERROR CORRECTED SO THAT THE STAFF ANALYSIS REMOVES REFERENCE TO REINSTATING COMMERCIAL USE DESIGNATIONS IN PLACE PRIOR TO CITYWIDE RE ZONING IN 1992.

Thanks,
Regan Jager

Dear Commissioners,

I hope this transmission finds you having a great new year! As the new President of the Midtown Neighborhood Association (MNA), I would like to talk to each of you regarding amendment PCM 130107, or the Cassedy parcels.

The MNA has voted on a new position regarding the land use change from RP2 to NBO on the parcels. It stands as follows:

As a matter of record, the property owner (Marshall Cassedy) has been cited by code enforcement for failing to meet the agreed upon PELUC conditions within 60 days of the approved agreement. Only after approximately 90 days of the approved agreement did the property owner begin limited attempts to meet the agreed upon conditions. Even now, as of January 13,2013, the propertyy owner appears to still not be in full compliance with the fence and buffer condition. Based on the clear history and clear failure of the property owner to meet agreed upon PELUC conditions within more than ample timeframe, MNA has virtually no confidence that the property owner will operate in good faith in terms of abiding by a formal agreement or clear zoning and development restrictions under NBO. Despite this lak of confidence, MNA is still willing to consider no

opposition to a COMP PLAN AMENDMENT FOR THE SUBJECT PARCELS, BUT ONLY WITH CLEAR CONDITIONS:

A. FULL AND APPROPRIATE COMPLIANCE WITH THE AGREED UPON AND APPROVED PELUC CONDITIONS

B. DIRECTING STAFF TO WORK WITH MNA TO CONSIDER AND DEVELOP POTENTIAL MODIFICATIONS TO MOBILITY DISTRICT DEVELOPMENT STANDARDS AS IT RELATES TO NON-RESIDENTIAL USES ABUTTING ESTABLISHED RESIDENTIAL PARCELS AS IT PERTAINS TO HEIGHT, SINAGE, LIGHTING, NOISE, AND BUFFERS.

I write today not only to share our new position, but also to respectfully request that the Commission direct City Staff to work with MNA to adjust or tweak the language within the current NBO designation regarding building height, interconnectivity, and specific uses of the parcels. We were able to do this in 2007 when the Allied Veterinary Group next to these parcels applied to change their land use from RP2 to NBO and we wish to have this seat at the table once again to address a couple of serious concerns with these properties as well.

The 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.

#2 concerns me as we placed restrictions on NBO a number of years ago to not allow commercial uses, other than offices. This is what the code says regarding allowable uses for NBO.

1. Offices (all types). Personal services, medical clinics, bail bonds, and payday loan offices are prohibited.

2. Multi-family residential (any type except dormitories, fraternities and sororities) located on the second floor of a building containing the permitted office uses on the first floor.

3. Residential: Single family-attached dwellings; Single family-detached dwellings; and two-family dwellings

4. 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. Noise ad lighting impacts shall be considered when determining the eligibility of additional land of additional land uses.

We would hate for this to be an opening into commercialization of this parcel. We have worked very hard on this issue with the City and the land owner to protect our Neighborhood from commercial encroachment through numerous meetings as well as a Special Master Proceeding which yielded an agreement between the Neighborhood, the property owner, and the City to ensure certain conditions would be met and enforced before proceeding. We have been assured the conditions have been met so we are prepared to proceed but again, would like to adjust some of the NBO language pertaining specifically to these parcels as listed above.

Your time, energy, and support is greatly appreciated in this endeavor.

Sincerely,

Regan Jager

President MNA

S Sent from my iPad

TRANSMITTAL PUBLIC HEARING MATERIALS

CYCLE 2013-1
COMPREHENSIVE PLAN AMENDMENTS

Leon County
Board of County Commissioners
And
The City of Tallahassee City Commission

Tuesday, April 9, 2013, 6:00 PM
County Commission Chambers

MEMORANDUM

TO: Members of the County and City Commissions

FROM: Brian Wiebler, Principal Planner

DATE: March 27, 2013

SUBJECT: Materials for April 9, 2013 Transmittal Public Hearing

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The Joint City-County Transmittal Public Hearing on the 2013-1 Comprehensive Plan amendments is scheduled for Tuesday, April 9th at 6:00 PM in the County Commission Chambers. The purpose of this public hearing is to receive public testimony, discuss the amendments, and vote on those to be forwarded to the state for their review prior to adoption. The full schedule of meetings from the 2013-1 cycle is included below.

This electronic version of the agenda and materials includes the agenda, all updated materials, and public comments received through March 26, 2013.

Attached for your consideration are:

- Workshop Agenda (Attachment #1)
- Summary Chart of Recommendations (Attachment #2)
- Staff Reports for each amendment (Attachment #3 through #14)
- Public Comments (Attachment #15)

Full 2013-1 Amendment Schedule:

Application Deadline	October 1, 2012
First Public Open House	November 7, 2012
Local Planning Agency Workshop	January 17, 2013
Second Public Open House	January 17, 2013
Local Planning Agency Public Hearing	February 5, 2013
City Commission Workshop	February 6, 2013
County Commission Workshop	February 12, 2013
Joint City-County Commission Workshop (Canceled)	February 26, 2013
Joint City-County Transmittal Public Hearing	April 9, 2013
Joint City County Adoption Public Hearing	May 28, 2013

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

Transmittal Public Hearing Agenda
April 9, 2013

BOARD OF COUNTY COMMISSIONRERS
AND
CITY OF TALLAHASSEE CITY COMMISSION
2013-1 TRANSMITTAL PUBLIC HEARING
APRIL 9, 2013 6:00 PM
County Commission Chambers

A. Introductory Comments by Staff

B. Discussion Items

- None- The County and City Commissions have both voted to tentatively support approval of all proposed amendments in the 2013-1 amendment cycle.

C. Consent Agenda

- Staff Recommendation is to approve transmittal of the 2013-1 amendments to the State Department of Economic Opportunity for review.
- All amendments listed below received a tentative vote of support by the City Commission on February 6, 2013 and the Board of County Commissioners on February 12, 2013.

Monday Road near Capital Circle Southeast- *(PCM130101)*
Applicant: *City of Tallahassee* **Owner:** *Melvin and Marcus Payne*
Request: "High Intensity Urban Activity Center" to "Urban Residential -2" for a one acre parcel located north of Monday Road near Capital Circle Southeast. City staff initiated the amendment following issuance of a Land Use Compliance Certificate to construct two single-family residences on the parcel. The amendment allows the owner to move forward with the subdivision and construction of the homes as represented in the Land Use Compliance Certificate.
Preliminary Staff Recommendation: Approve

West Brevard Street- *(PCM130102)*
Applicant and Owner: *Lewis Chambers*
Staff: Debra Thomas
Request: "Residential Preservation" to "Central Urban" on lots totaling 1.15 acres located immediately north of West Brevard Street, between Dade Street and Dean Street. The site includes the existing Blue Collar Restaurant, a use which is non-conforming under the current Residential Preservation category. The requested change would provide relief from the current status as non-conforming and allow the applicant to expand the use.
Preliminary Staff Recommendation: Approve

Truett Drive and Bradford Road- *(PCM130103)*
WITHDRAWN BY APPLICANT

Timberlane Road near Market District- *(PCM130104)*
Applicant and Owner: *Dr. Darrh Bryant*
Request: "Lake Protection" to "Suburban" on one parcel (approximately 0.5 acre) located at 1234 Timberlane Road. This parcel is presently developed for office use. The existing Lake Protection category does not permit non-residential uses inside the City Limits. The requested Suburban category would provide relief from the current status as non-conforming and allow the applicant to utilize the property as a dental office. Staff is also recommending the surrounding office buildings be included in the amendment (34 properties on about 10 acres).
Preliminary Staff Recommendation: Approve the amendment as expanded to include 34 properties and 9.9 acres

<u>Woodville Rural Community Expansion-*(PCM130105)*</u>
Applicant and Owner: *Disc Village*
Request: "Rural" to "Woodville Rural Community" on three adjoining parcels (totaling approximately 98 acres) located on the south side of Natural Bridge Road, approximately one mile east of Woodville Highway. These parcels are presently developed as a non-profit community-based therapeutic community. The requested Woodville Rural Community category would allow an expansion of facilities and programs oriented towards senior citizens.
Preliminary Staff Recommendation: Approve proposed amendment PCM130105 subject to approval of a Planned Unit Development that:

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

<u>Jackson Bluff Road and Ausley Street-*(PCM130106)*</u>
Applicant: *Carolyn Bibler*
Owners: *Jackson Bluff Properties LLC, Landmark Apartments LLC, Stadium Place of Tallahassee LLC, Greenbriar Partners LLC*
Request: "Urban Residential-2" to "University Transition" for four parcels totaling 16.42 acres located near Jackson Bluff and Ausley Road. The applicant would like to redevelop this node at Jackson Bluff and Ausley Road with small scale commercial intermixed with higher density housing to support it. The neighborhood scale commercial development would also serve the existing residential neighborhoods in the area.
Preliminary Staff Recommendation: Approve

<u>9th Avenue and Thomasville Road- *(PCM130107)*</u>
Applicant: *City of Tallahassee* **Owner:** *Marshall Cassedy Jr.*
Request: "Residential Preservation" to "Neighborhood Boundary" on two adjoining parcels and a portion of a third adjoining parcel (totaling approximately 0.4 acre) located on the east side of Thomasville Road between 8th and 9th Avenues. The area is presently developed and used for a hair salon and related parking. This amendment implements recommendations in a settlement agreement reached on September 7, 2012 between Marshall Cassedy, the City, and participating neighbors.
Preliminary Staff Recommendation: Approve

<u>Fred George and Old Bainbridge Road –</u><u>(PCM130108)</u>
Applicant: *City of Tallahassee* **Owner:** *Andrews Enterprises Inc. (Jack Buford, Agent)*
Request: "Residential Preservation" to "Suburban" for an approximately one-acre parcel located on the southwest corner of Fred George Road and Old Bainbridge Road. This property presently contains a 1,973 square-foot convenience store built in 1987 in accordance with the former Huntington Woods Development of Regional Impact (DRI) development order. On June 23, 2010, the City Commission rescinded the Huntington Woods DRI development order and the existing convenience store use of the property became a non-conforming use.
Preliminary Staff Recommendation: Approve

<u>Text- Steep Grade Policy Inside Urban Service Area-*(PCT130109)*</u>
Applicant: *Board of County Commissioners*
Request: Amend the Conservation element to remove Comprehensive Plan requirements for the protection of significant and severe grades inside the Urban Service Area. No change is proposed outside of the Urban Service Area. This amendment implements direction provided by the Board of County Commissioners on May 8, 2012 as part of the review conducted for the Countywide Minimum Environmental Standards project.
Preliminary Staff Recommendation: Approve

Text- Updating Environmental Definitions-*(PCT130110)*

Applicant: *Planning Department*

Request: Amend the Glossary of the Comprehensive Plan to update environmental definitions that were recently amended in the City and County Code as part of the Countywide Minimum Environmental Standards project. These changes will avoid confusion between the definitions included in the City and County Code and the definitions in the Comprehensive Plan.

Preliminary Staff Recommendation: Approve

Text- Cleanup of Policies 1.1.10 [M] and 2.1.8 [LU]-*(PCT130111)*

Applicant: *Planning Department*

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

Preliminary Staff Recommendation: Approve

Text- Addition of Paul Russell Road Extension to Future Right of Way Needs Map- ***(PCT130112)***

Applicant: *Planning Department*

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

Preliminary Staff Recommendation: Approve

Text- Welaunee Plantation Access from Thornton Road- ***(PCT130113)***

Applicant: *City of Tallahassee Commission*

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

Preliminary Staff Recommendation: Approve Amendment Request PCT130113 with an effective date tied to approval of the Thornton Road Land Exchange by the State of Florida.

D. 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.)."

Summary Chart of Recommendations

MATRIX FOR CYCLE 2013-1

A = Approve
D = Denial
AM = Approve as Modified

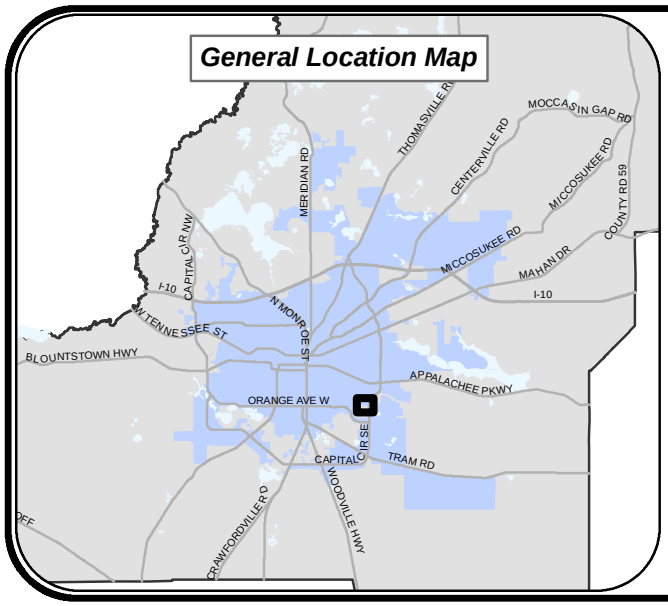
Item #	*Amendment To:*	*Nature of Proposed Amendment*	*Planning Staff Recommendation*	*Water Resources Committee Recommendation*	*LPA Recommendation*	*City Commission Position*	*Board of County Commissioners Position*
PCM130101	FUTURE LAND USE MAP **Monday Road near Capital Circle Southeast**	From: High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

MATRIX FOR CYCLE 2013-1

A = Approve
D = Denial
AM = Approve as Modified

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

Staff Reports



Monday Road near Capital Circle Southeast PCM130101

City Of Tallahassee

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

ACRES: 1 ±

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

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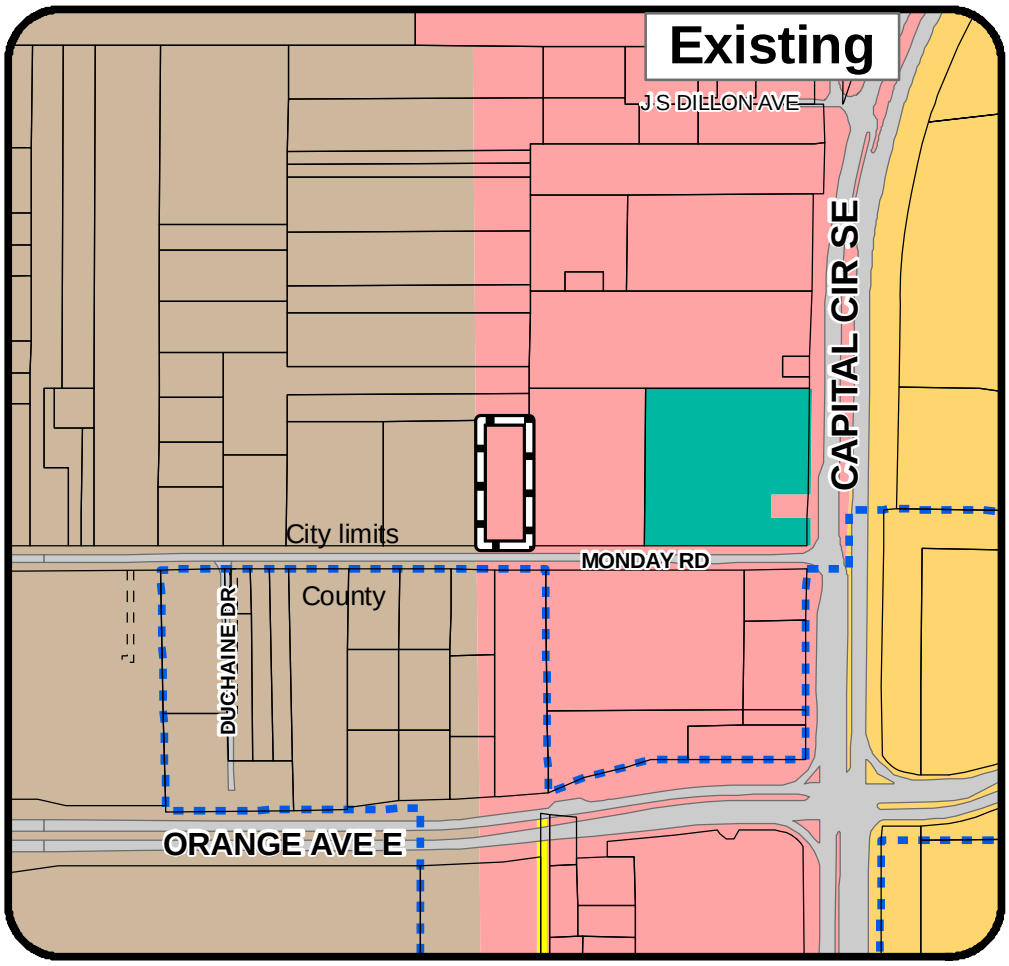
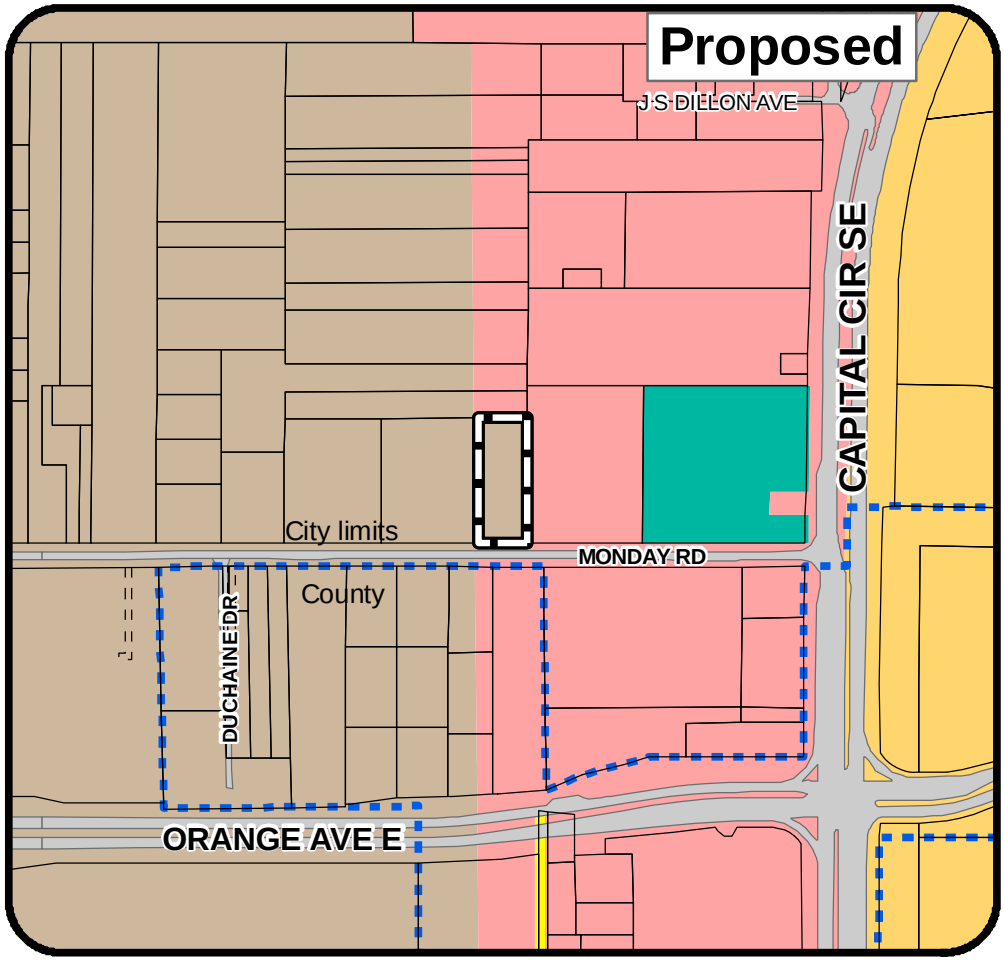




Future Land Use

Legend

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

- Subject Parcel
- City Limits

Monday Road near Capital Circle Southeast
PCM130101

City Of Tallahassee

Existing

Activity Center

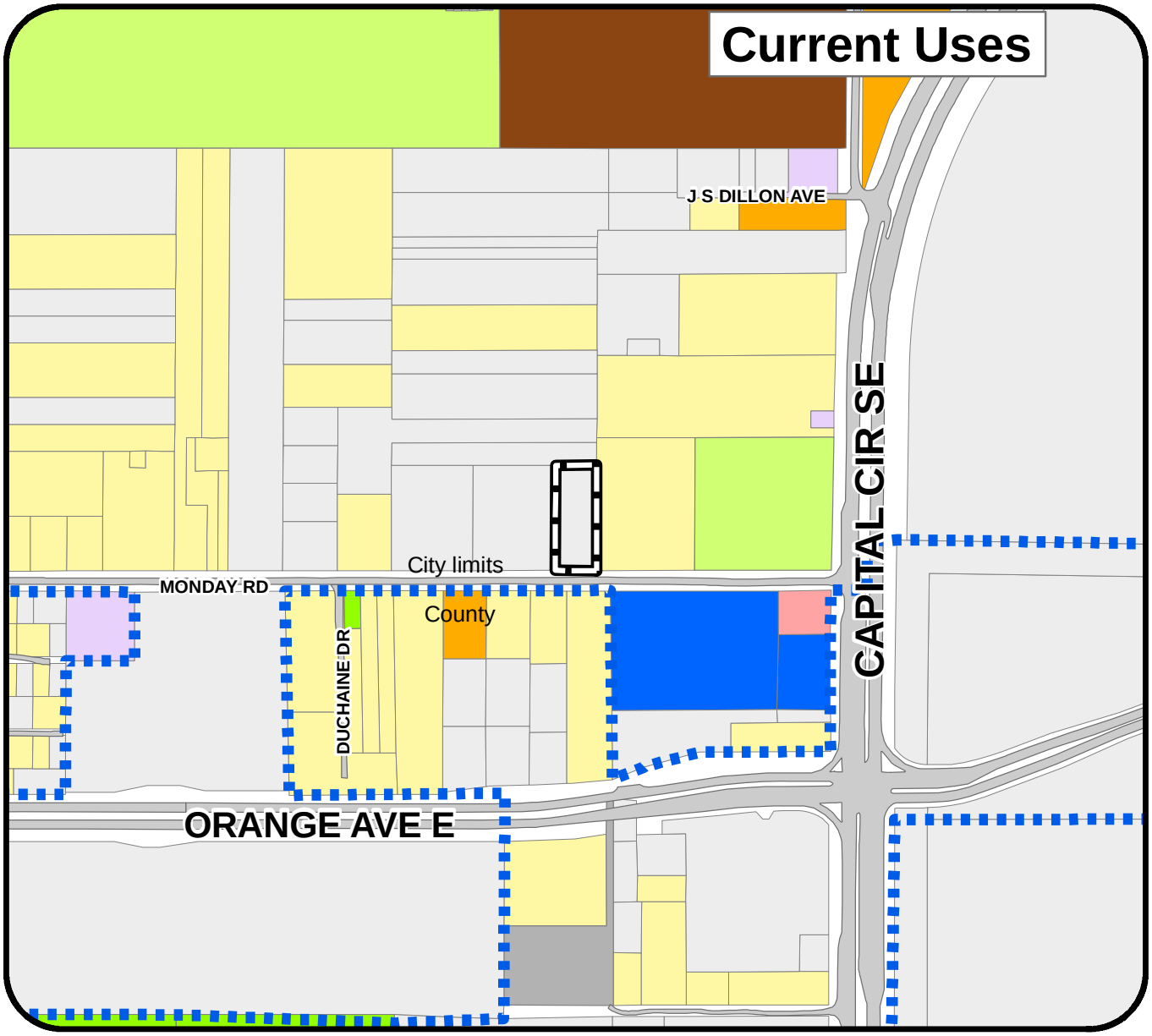
Proposed

Urban Residential-2

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

ACRES: 1 ±

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



Legend

City Limits

Subject Parcel

Current Uses (Oct. 2012)

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

Monday Road near Capital Circle Southeast
PCM130101

City Of Tallahassee

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

ACRES: 1 ±

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

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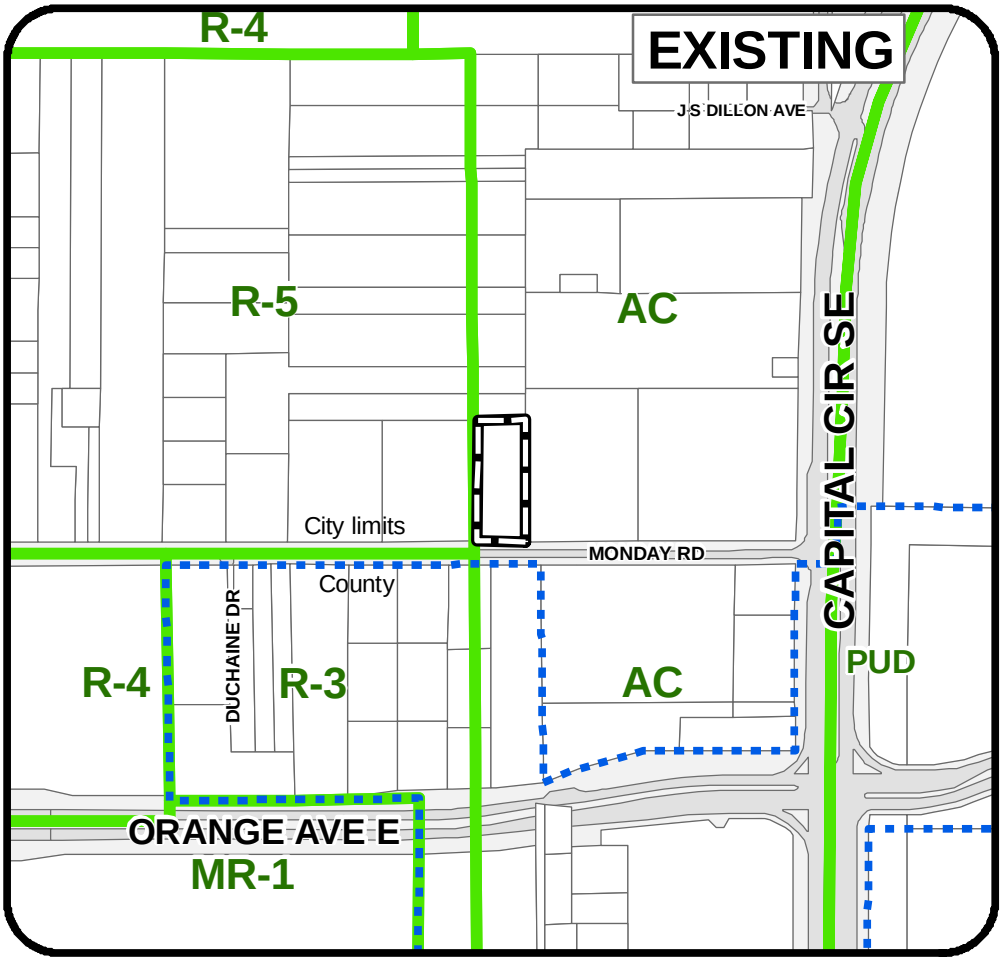
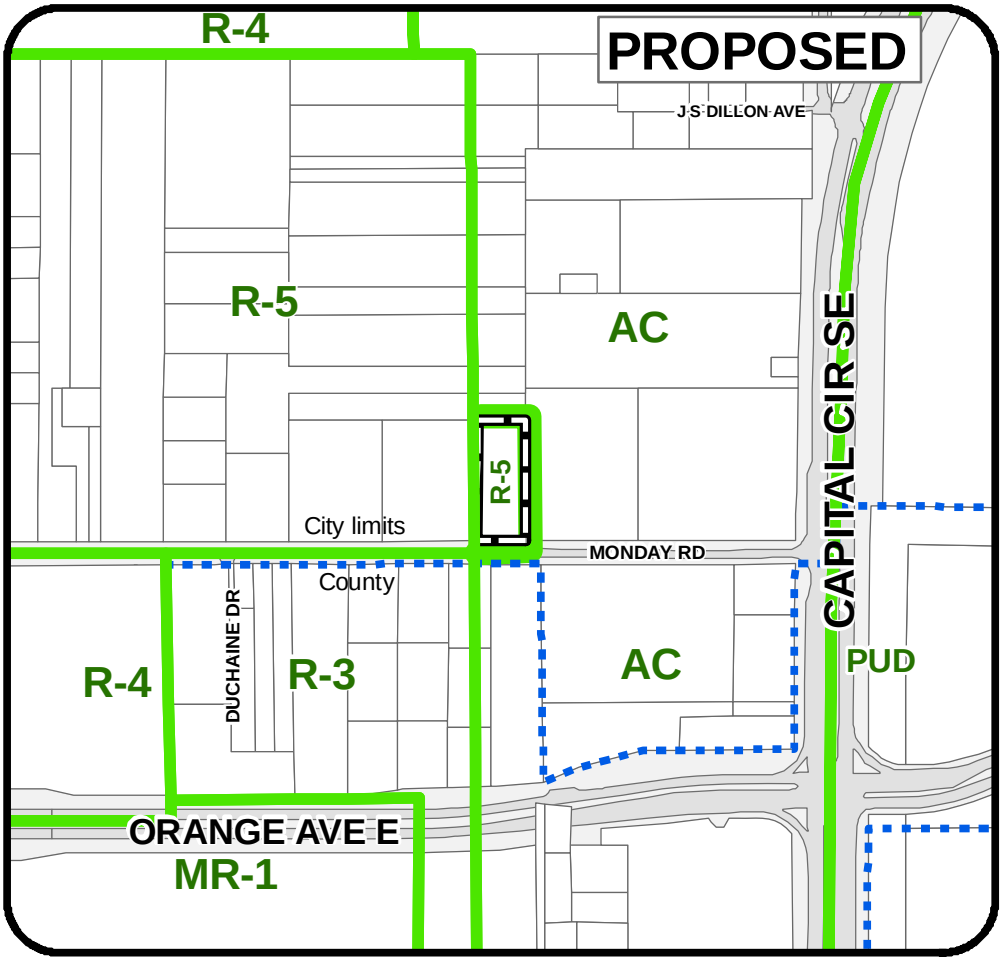




ZONING

Legend

Subject Parcel

zoning

City Limits

Monday Road near Capital Circle Southeast
PCM130101

City Of Tallahassee

Existing

Activity Center

Proposed

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

N W E S

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

ACRES: 1 ±

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

MAP AMENDMENT #: PCM130101

APPLICANT: City of Tallahassee Growth Management Department

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

CITY __X__ COUNTY __

CURRENT DESIGNATION: High Intensity Urban Activity Center (AC)

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

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM130101

A. SUMMARY:

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

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

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

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

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

C. APPLICANT'S REASON FOR THE AMENDMENT:

The application gives the following basis for the proposed change:

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

D. STAFF ANALYSIS:

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

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

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

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

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

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

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

3. Transportation:

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

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

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

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

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

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

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

5. Optional Sustainable Development Survey

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

F. VESTED / EXEMPT STATUS:

The subject site is not vested or exempt.

G. CONCLUSION:

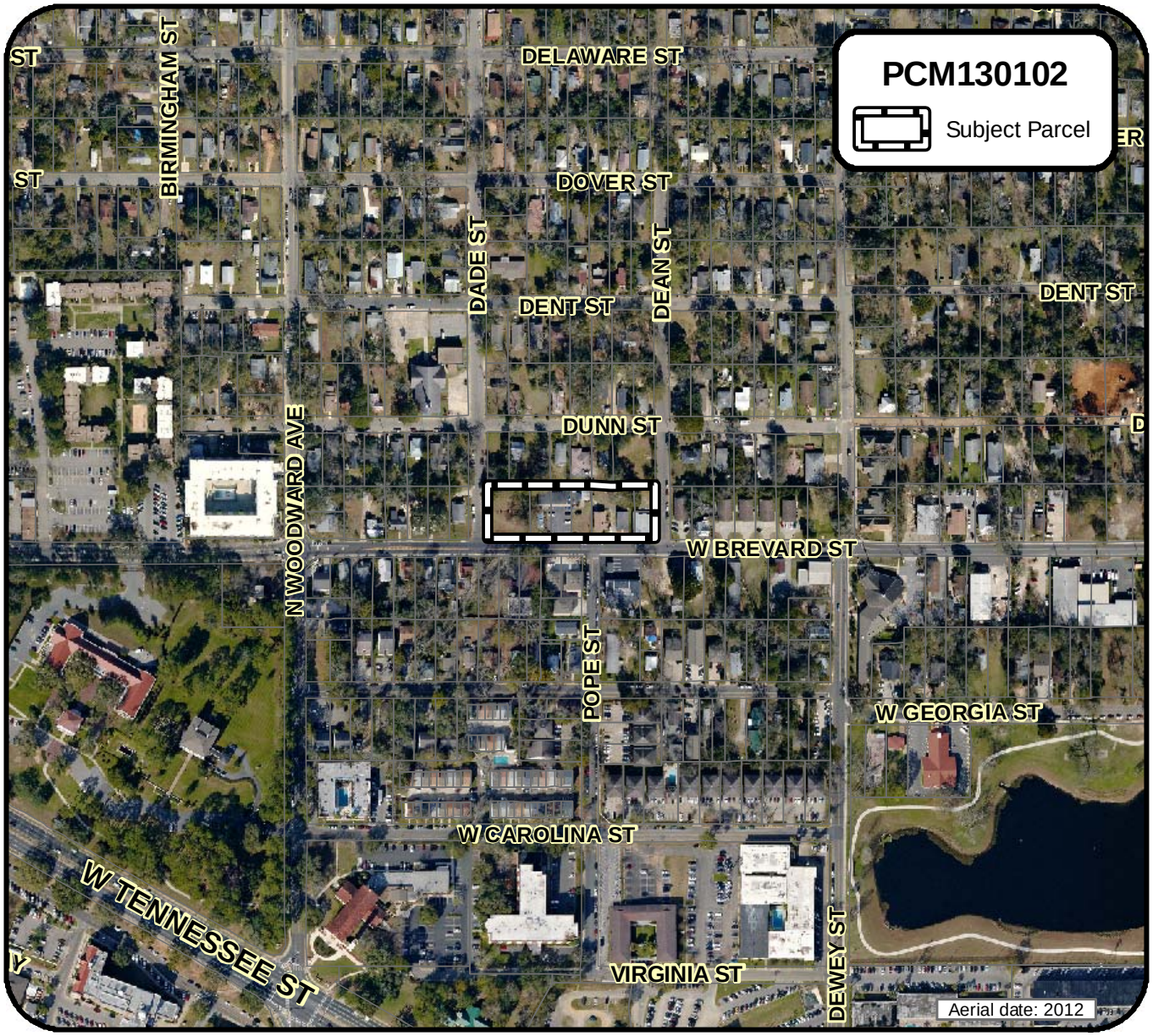
Based on the above data and analysis, staff concludes the following:

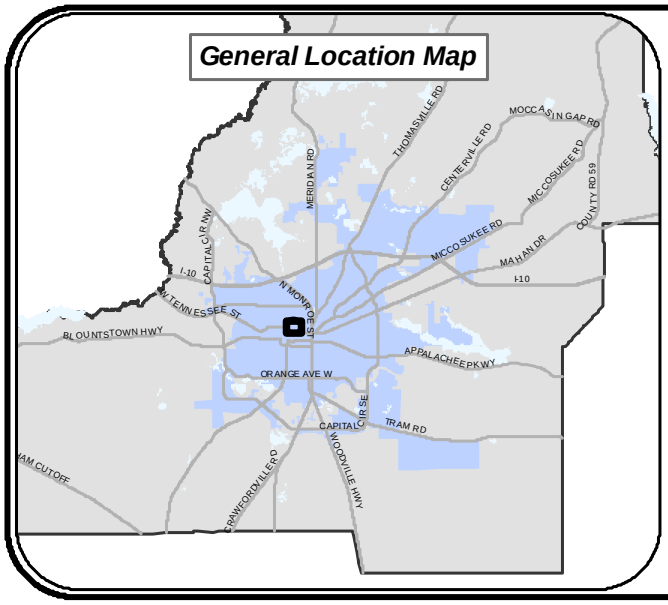
1. The proposed Urban Residential -2 land use category is consistent with the predominant development pattern in the vicinity of the subject site. The subject site and the surrounding area are developed with low density residential development.

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

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

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





West Brevard Street
PCM130102

Louis Chambers

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

ACRES: 1.16 ±

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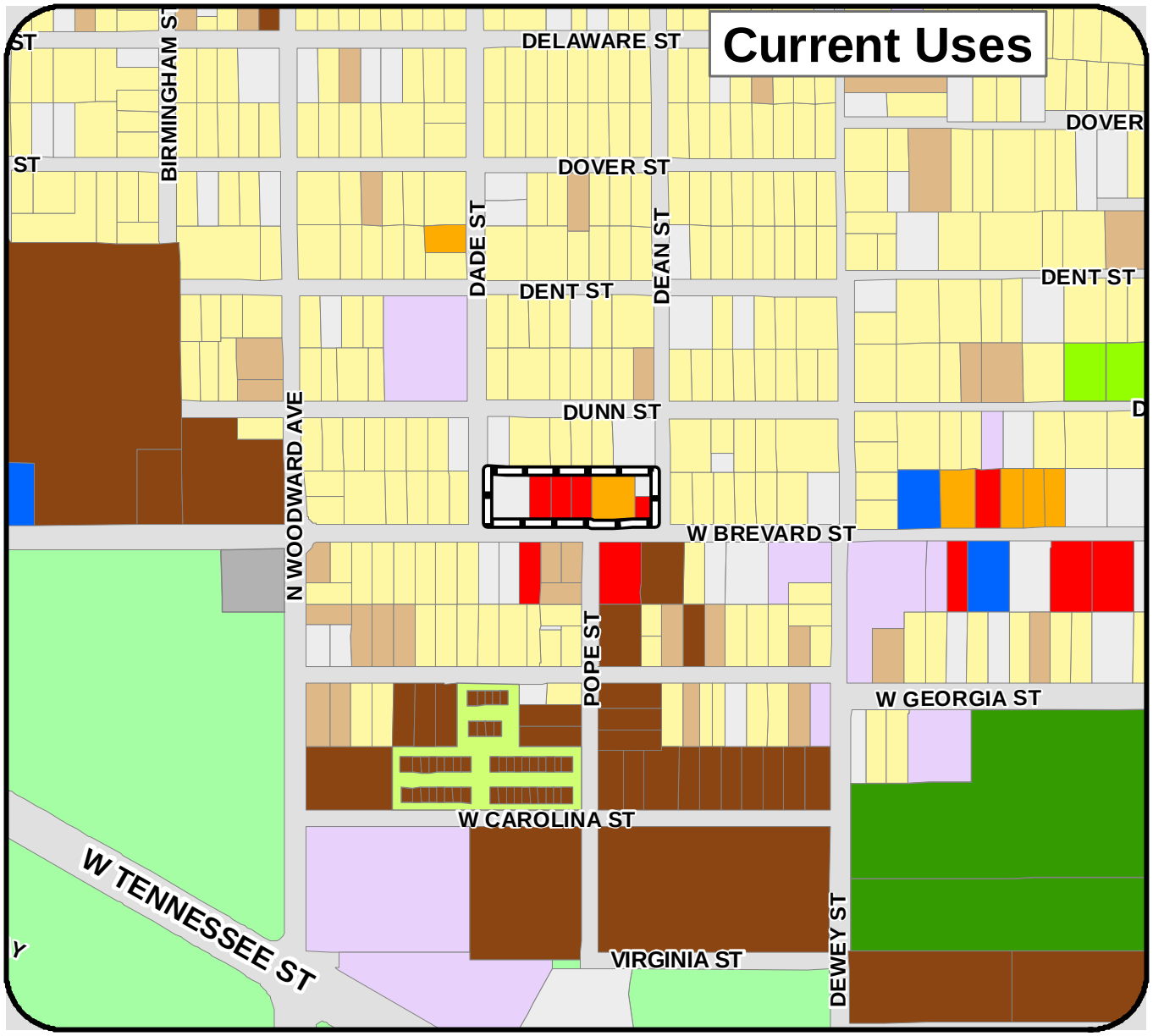
TALLAHASSEE LEON COUNTY PLANNING DEPARTMENT



Legend

Subject Parcel

Current Uses (Oct. 2012)

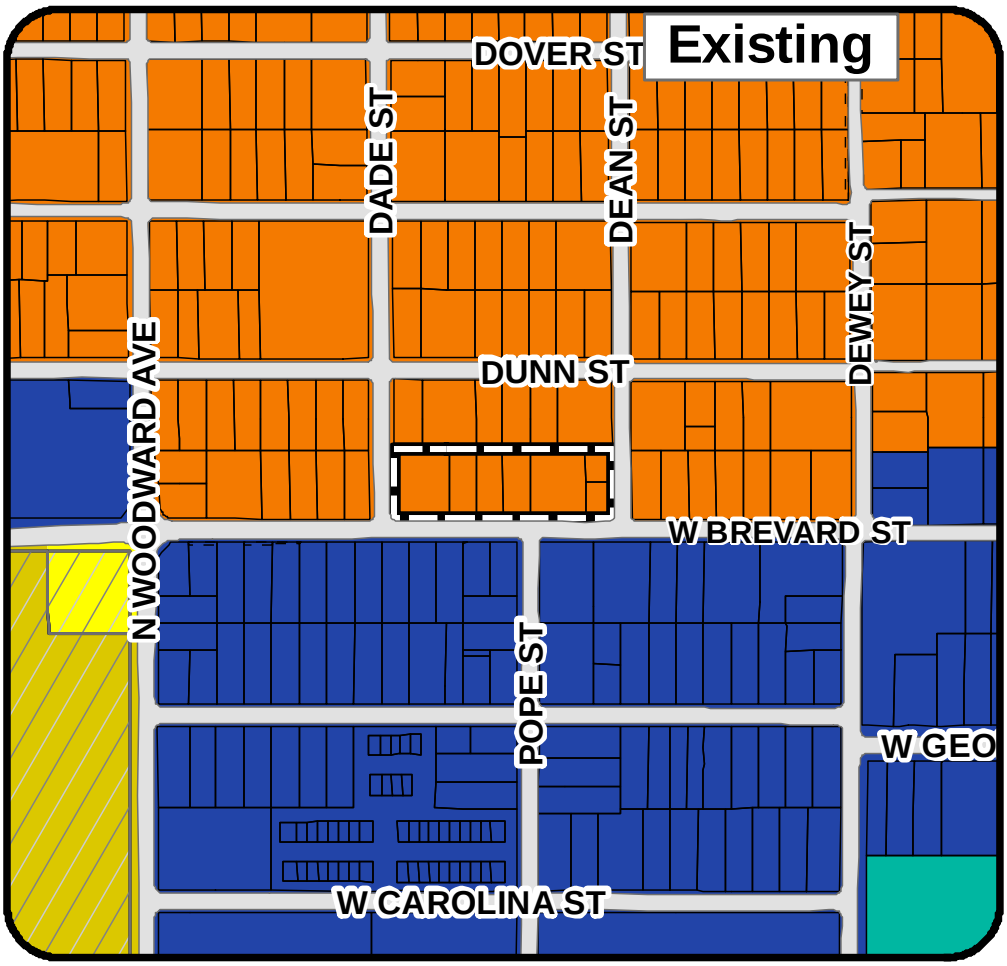
- Single Family Detached/Mobile Home
- Two-Family Dwelling
- Multi-Family
- Retail
- Office
- Warehouse
- School
- Open Space Common Areas
- Open Space Resource Protection
- Open Space Recreation/Parks
- Religious/Non-profit
- Transportation/Communications/Utilities
- Vacant

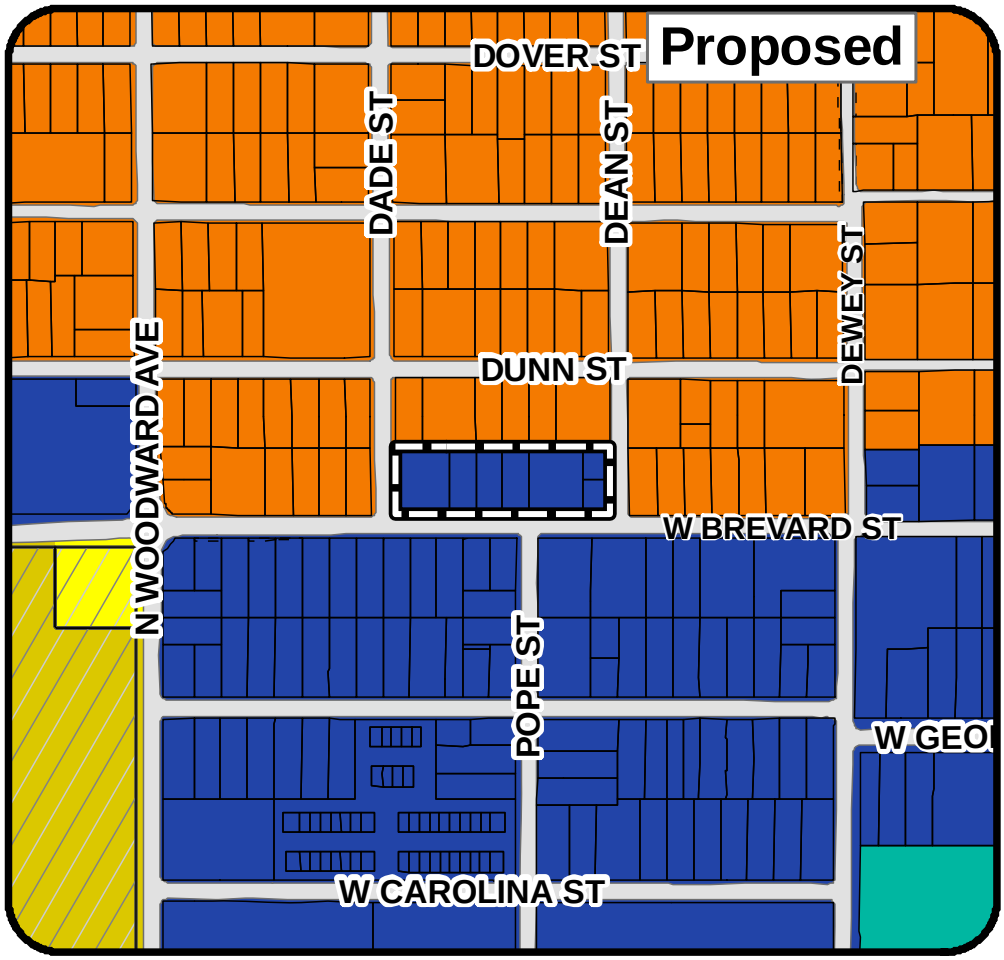
West Brevard Street
PCM130102
Louis Chambers

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

ACRES: 1.16 ±

PLANNING DEPARTMENT





Future Land Use

Legend

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

West Brevard Street
PCM130102
Louis Chambers

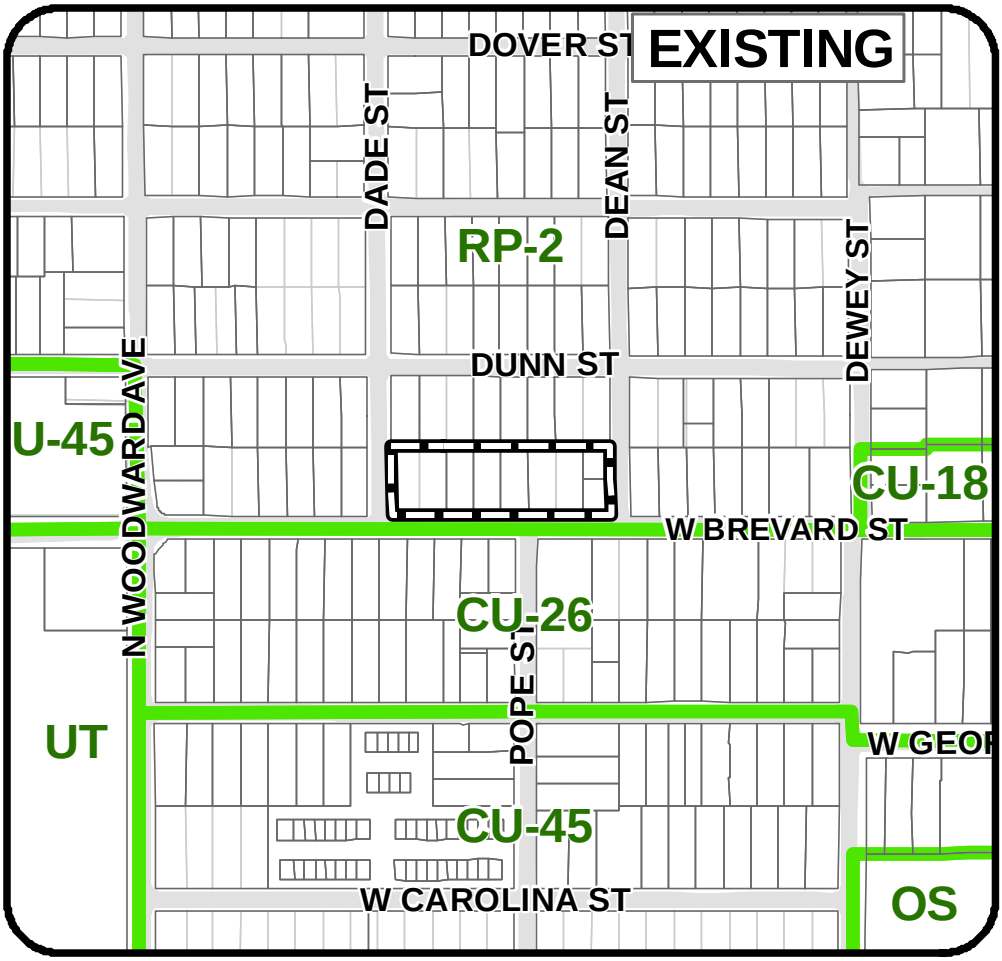
Existing
Residential Preservation

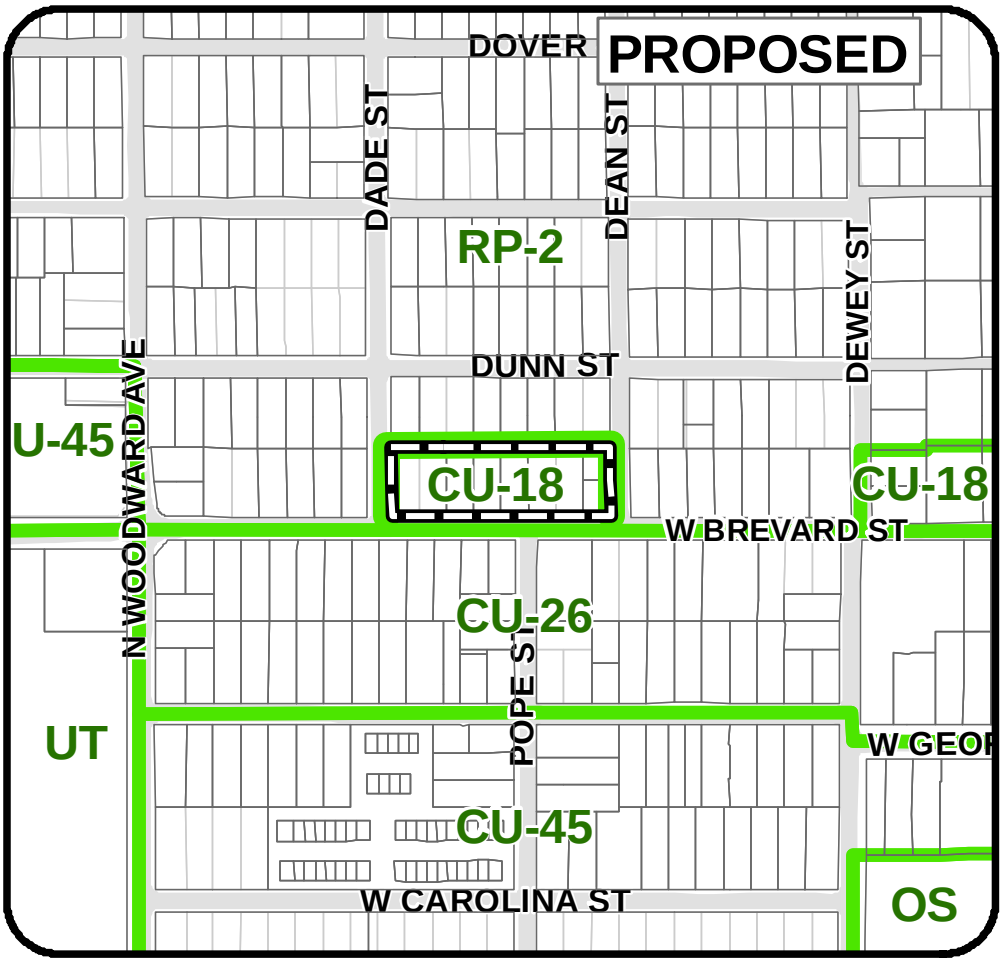
Proposed
Central Urban

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

ACRES: 1.16 ±

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





ZONING

Legend

Subject Parcel

zoning

West Brevard Street
PCM130102
Louis Chambers

Existing

RP-2
(Residential Preservation)

Proposed

CU-18
(Central Urban)

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

ACRES: 1.16±

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

MAP AMENDMENT #: PCM130102

APPLICANT: Louis Chambers

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

CITY __X__ COUNTY __

CURRENT DESIGNATION: Residential Preservation (RP)

REQUESTED DESIGNATION: Central Urban (CU)

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM 130102

A. SUMMARY:

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

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

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

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

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

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

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

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

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

C. APPLICANT'S REASON FOR THE AMENDMENT:

The application gives the following basis for the proposed change:

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

D. STAFF ANALYSIS:

Location and Land Use

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

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

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

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

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

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

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

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

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

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

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

Major Planning Issues Analysis

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

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

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

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

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

3. Transportation:

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

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

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

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

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

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

4. Optional Sustainable Development Survey

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

F. VESTED / EXEMPT STATUS:

The subject properties are not vested or exempt.

G. CONCLUSION:

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

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

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

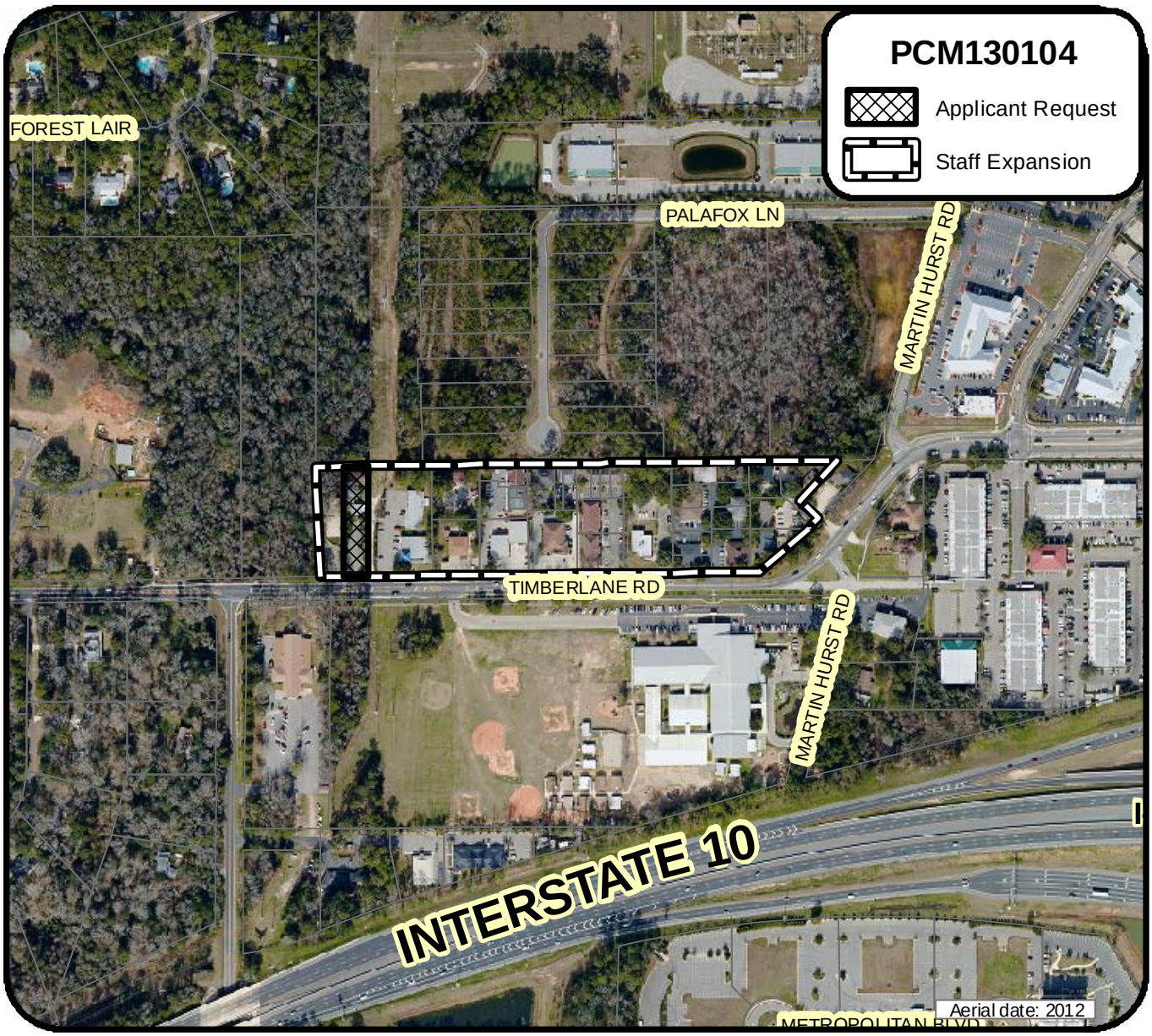
3. The proposed amendment eliminates a legal nonconforming land use created at the adoption of the Comprehensive Plan which further and supports the intent of Land Use Objective 1.5.

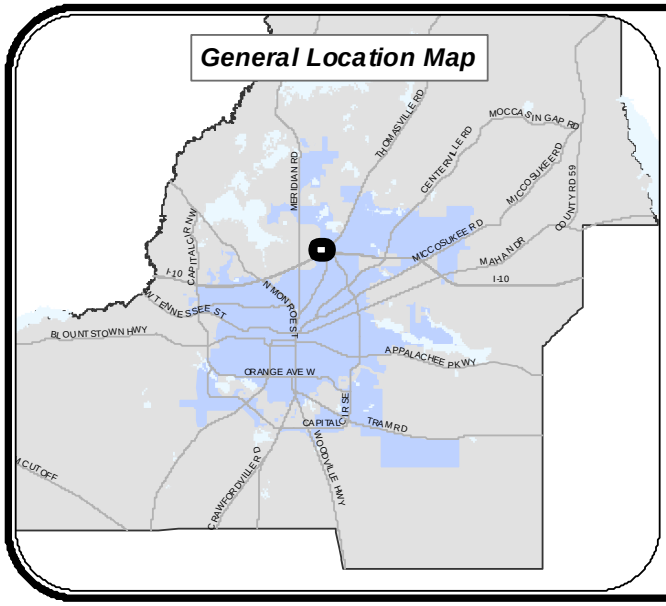
4. Approval of the amendment would support and further recommendations from the Frenchtown Revitalization Plan which direct commercial areas along West Brevard Street to provide walkability to goods and services for the Frenchtown/Springfield community.

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

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

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





Timberlane Road near Market District PCM130104

Darrh Bryant

MULTIPLE SITE TAX ID's
(See Text)

ACRES: 9.8 ±

PLANNING DEPARTMENT

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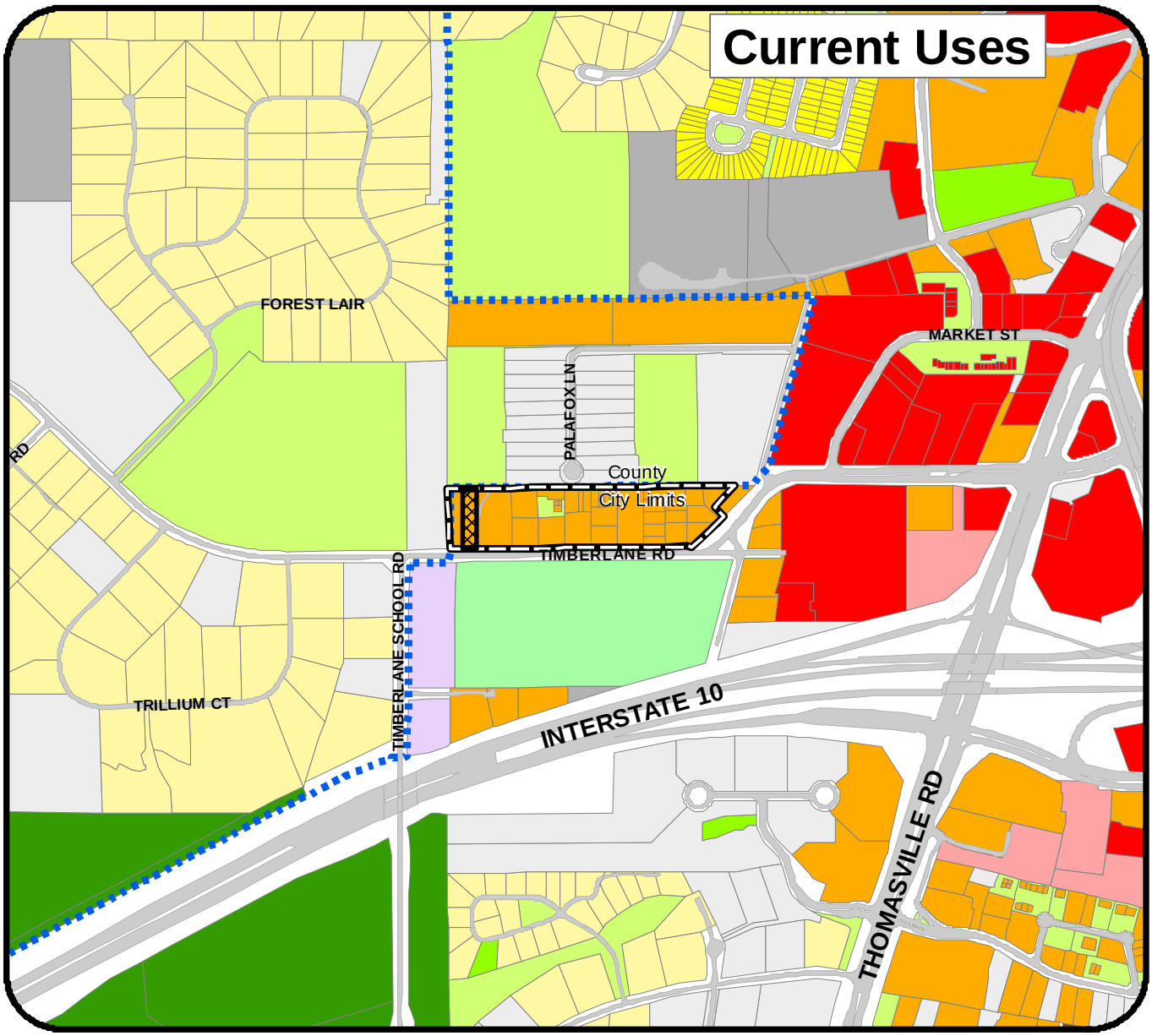


Legend

- Applicant Request
- Staff Expansion
- City Limits

Current Uses (Oct. 2012)

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

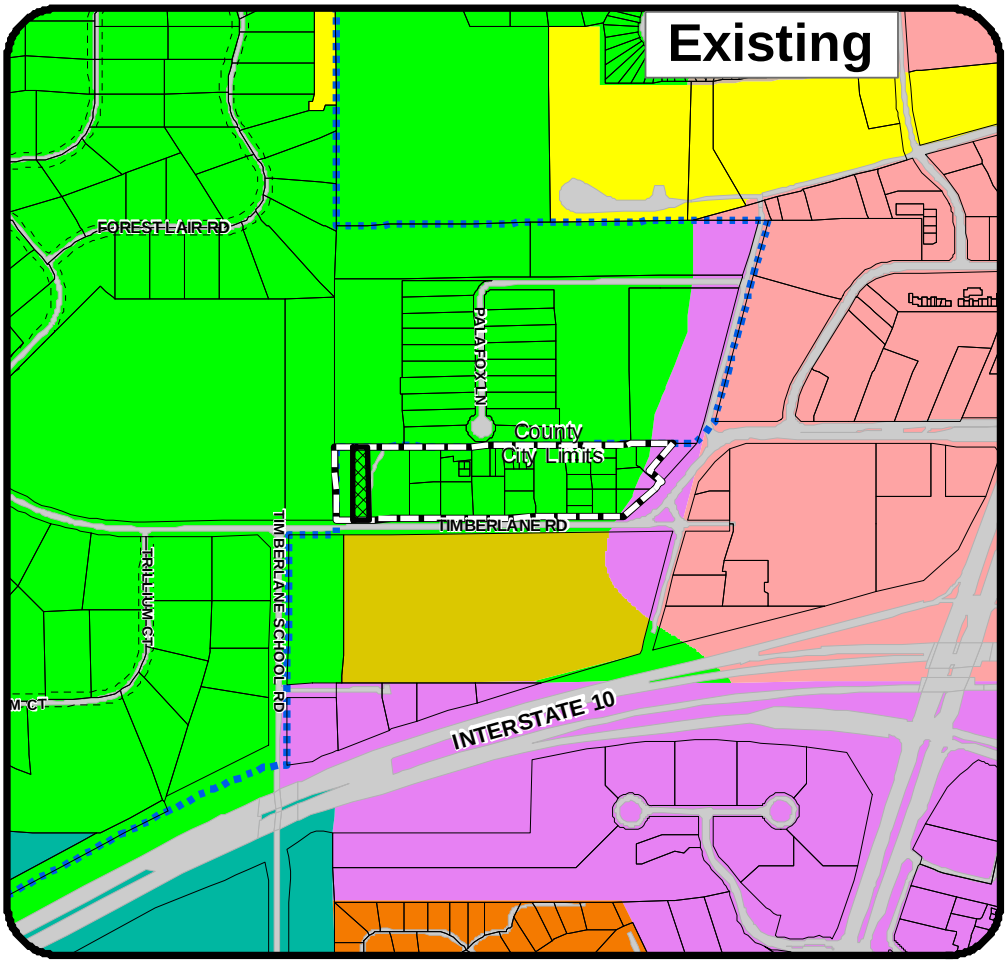
Timberlane Road near Market District
PCM130104
Darrh Bryant

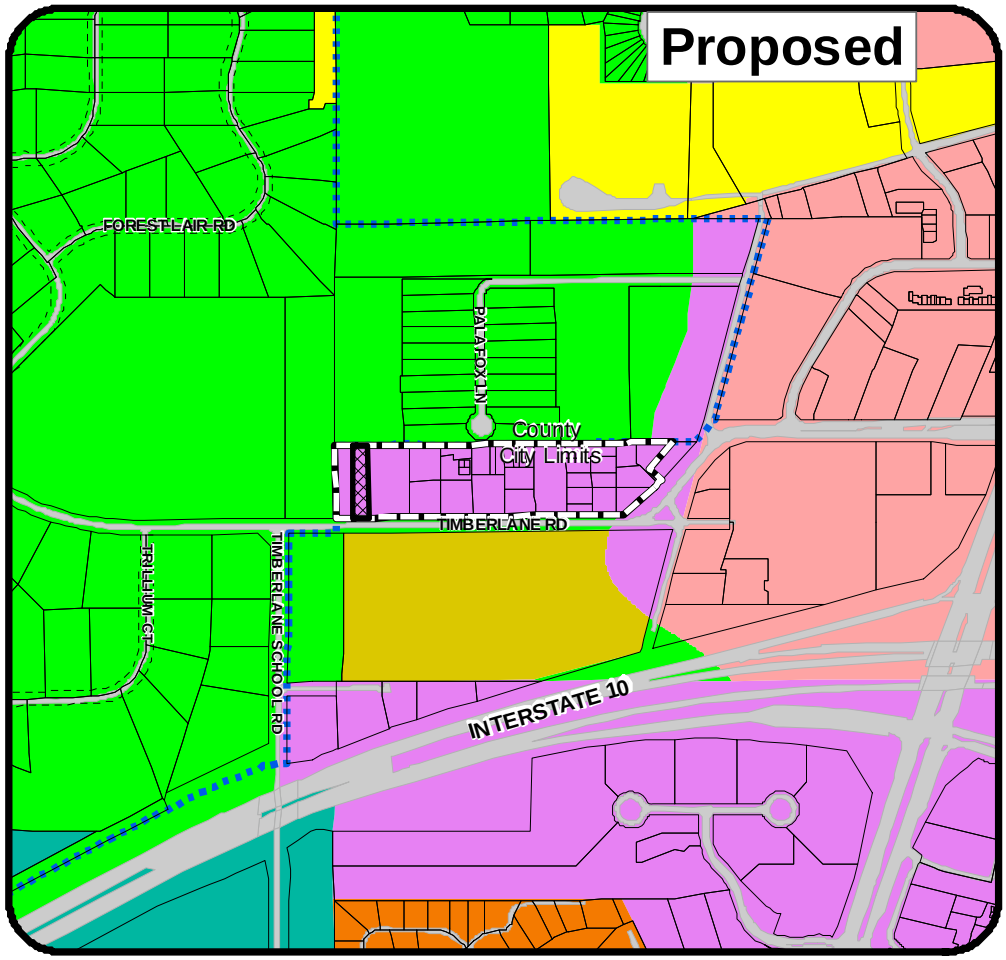
MULTIPLE SITE TAX ID's (See Text)

ACRES: 9.8 ±

PLANNING DEPARTMENT

N W E S





Future Land Use Legend

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

Timberlane Road near Market District
PCM130104
Darrh Bryant

Existing
Lake Protection

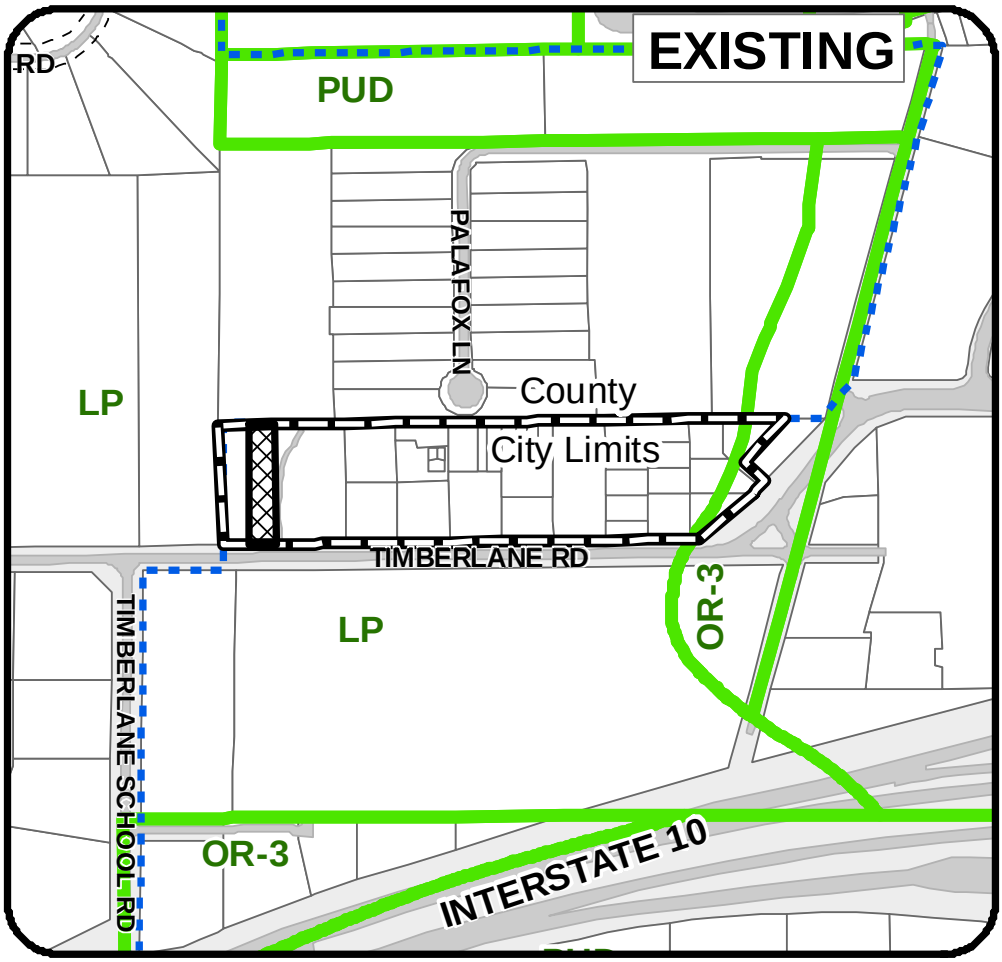
Proposed
Suburban

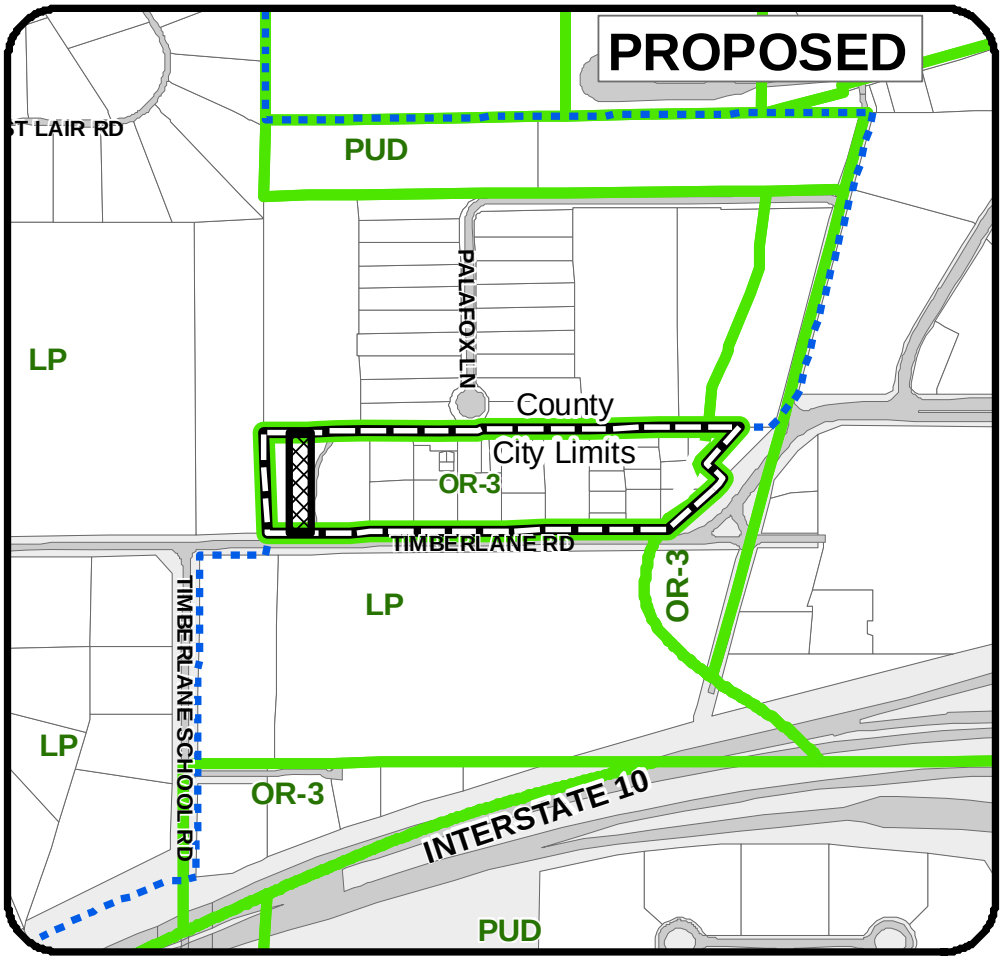
N W E S

MULTIPLE SITE TAX ID's
(See Text)

ACRES: 9.8 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT





ZONING

Legend

- Applicant Request
- Staff Expansion
- zoning
- City Limits

Timberlane Road near Market District PCM130104

Darrh Bryant

Existing

LP (Lake Protection)

Proposed

OR-2 (Office Residential Medium Density)

MULTIPLE SITE TAX ID's (See Text)

ACRES: 9.8 ±

TALLAHASSEE LEON COUNTY PLANNING DEPARTMENT

MAP AMENDMENT: PCM130104

APPLICANT: Dr. Darrh Bryant, DMD

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

CITY X COUNTY __

CURRENT DESIGNATION: Lake Protection

REQUESTED DESIGNATION: Suburban

DATE: January 9, 2013

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

A. SUMMARY:

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

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

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

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

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

C. APPLICANT'S REASON FOR THE AMENDMENT:

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

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

D. STAFF ANALYSIS

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

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

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

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

Existing Land Use & Zoning

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

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

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

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

Lake Protection Land Use Category

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

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

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

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

Lake Protection Zoning District

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

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

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

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

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

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

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

Proposed Land Use and Zoning

Suburban Land Use Category

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

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

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

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

Office/Residential - 3 Zoning District

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

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

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

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

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features

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

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

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

2. Water/Sewer

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

3. Other

Roads

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

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

Transit Availability

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

Bicycle/Pedestrian Facilities Availability

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

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

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

4. Schools

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

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

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

5. 5-Year Capital Improvements Projects

None.

F. VESTED / EXEMPT STATUS:

Not applicable.

G. PLANNING ISSUES

Protection of Lake Jackson

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

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

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

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

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

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

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

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

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

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

Regional Stormwater Treatment

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

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

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

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

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

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

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

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

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

Comprehensive Plan Policies

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

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

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

Transportation

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

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

Local Government Priorities

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

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

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

H. CONCLUSION:

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

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

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

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

I. ATTACHMENTS:

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

PCM130104 Subject Property Tax Identification Numbers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

M. DARRH BRYANT, DMD, P.L.

M. Darrh Bryant, DMD, P.L.

STATE OF FLORIDA
COUNTY OF LEON

On this 9th day of July. 2012, personally appeared before me M. Darrh Bryant, DMD, P.L., who ( ) is personally known to me or (✓) produced DL#B53544-75004-0 as identification to be the signer of the above instrument, and he/she acknowledges that he/she executed it.

Notary Public
(Stamp)

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

CITY OF TALLAHASSEE

GROWTH MANAGEMENT DEPT

By: Karen Jumonville, Director

PLACE (Planning, Land Management and Community Enhancement)

Wayne Tedder, Director

For:

STATE OF FLORIDA
COUNTY OF LEON

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

Notary Public
(Stamp)

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

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STATE OF FLORIDA
COUNTY OF LEON

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

April Thornton
Notary Public
(Stamp)

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

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EXHIBIT "A"

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

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Section 10-253 OR-3 Office Residential District

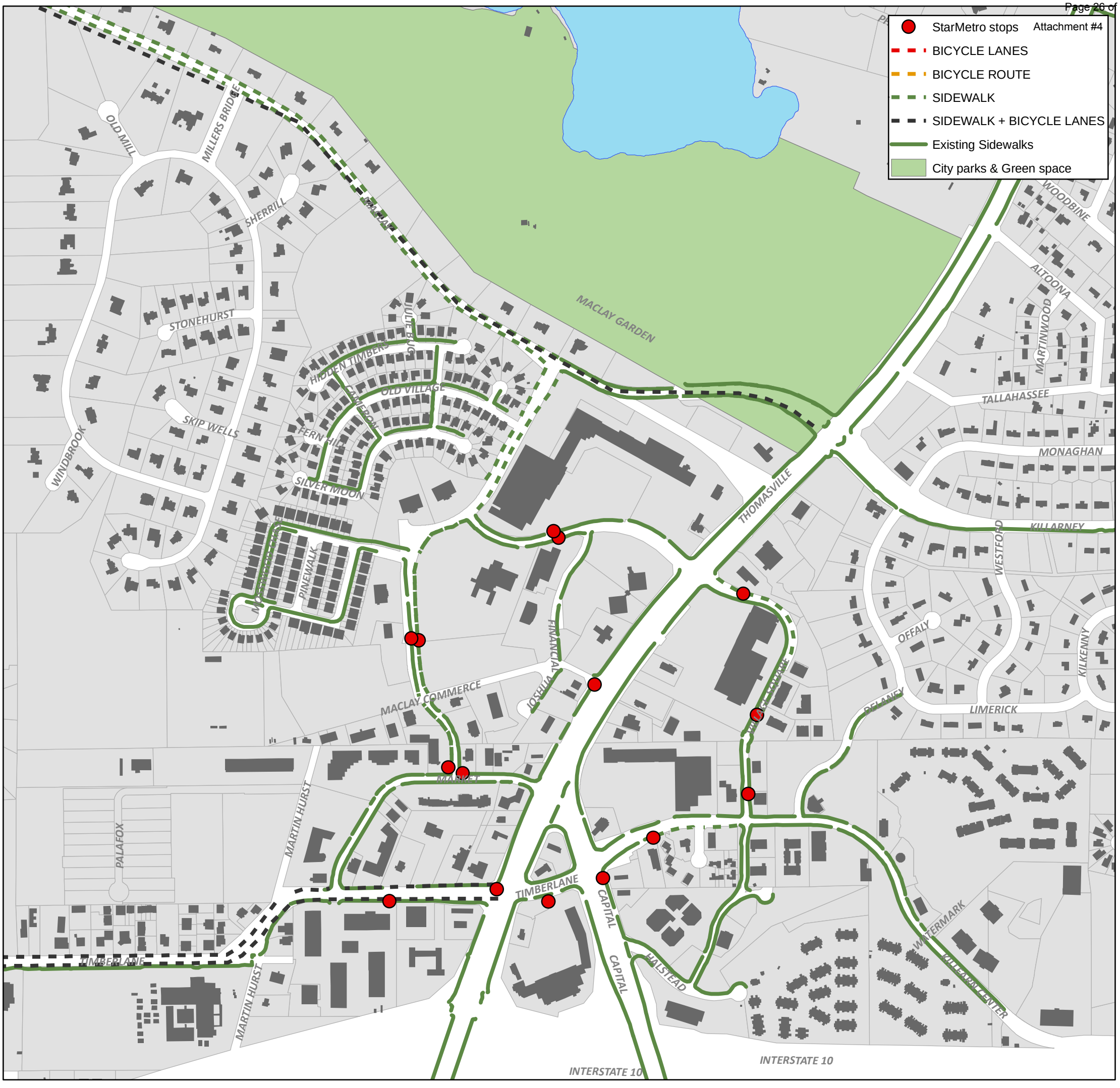
The following applies to the OR-3 Office Residential District:

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

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

GENERAL NOTES:

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

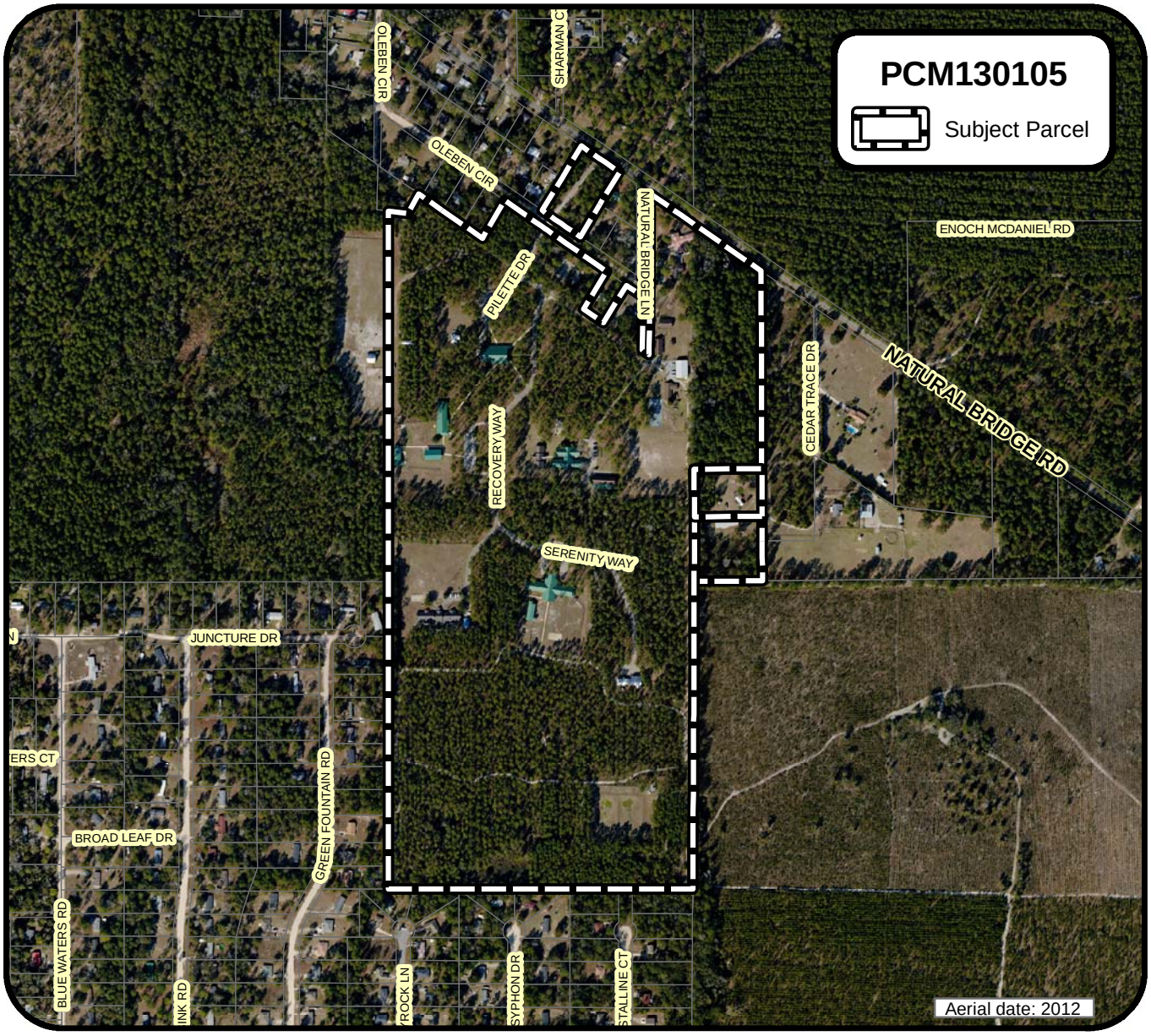


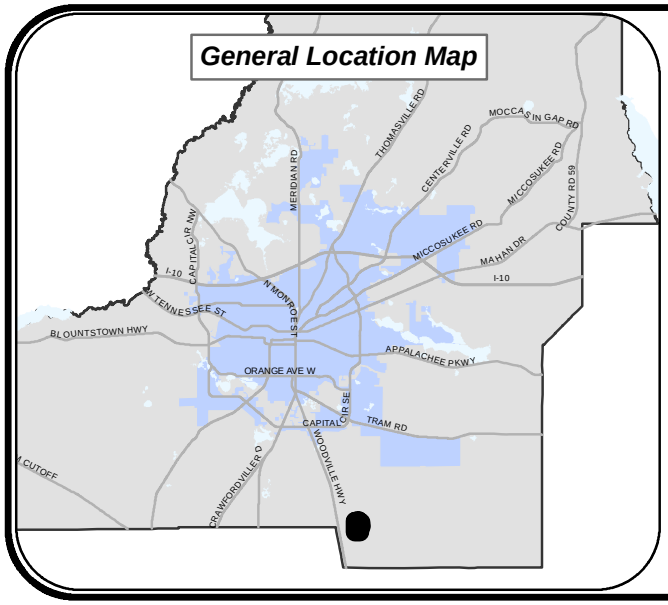
The Market District: Placemaking

Proposed Area Infrastructure Projects

Posted at 5:00 p.m. on April 1, 2013

TLCPD Tallahassee-Leon County Planning Department





Woodville
Rural Community Expansion
PCM130105
Disc Village

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

ACRES: 98.04 ±

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

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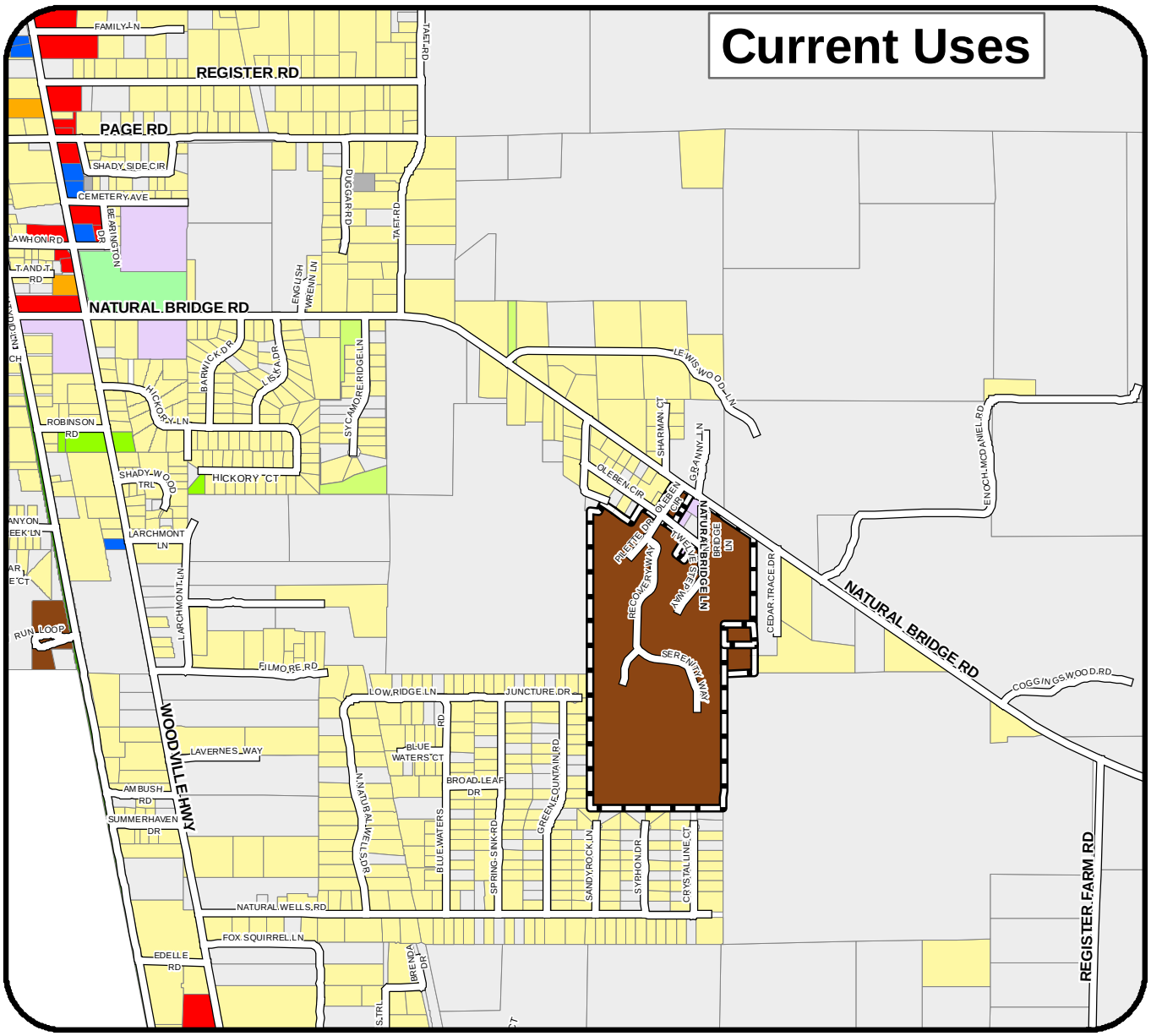


Legend

Slseg_20120612

Subject Parcel

Current Uses (Oct. 2012)

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

Woodville Rural Community Expansion

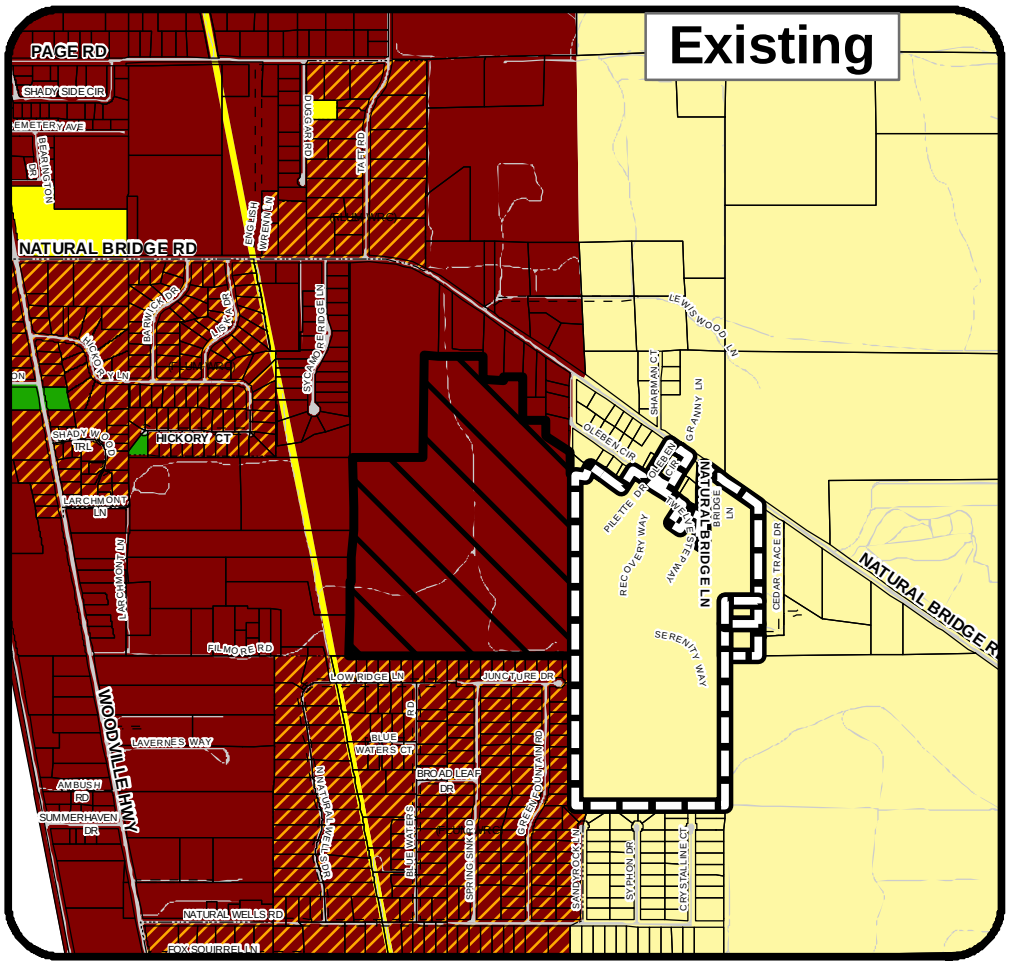
PCM130105

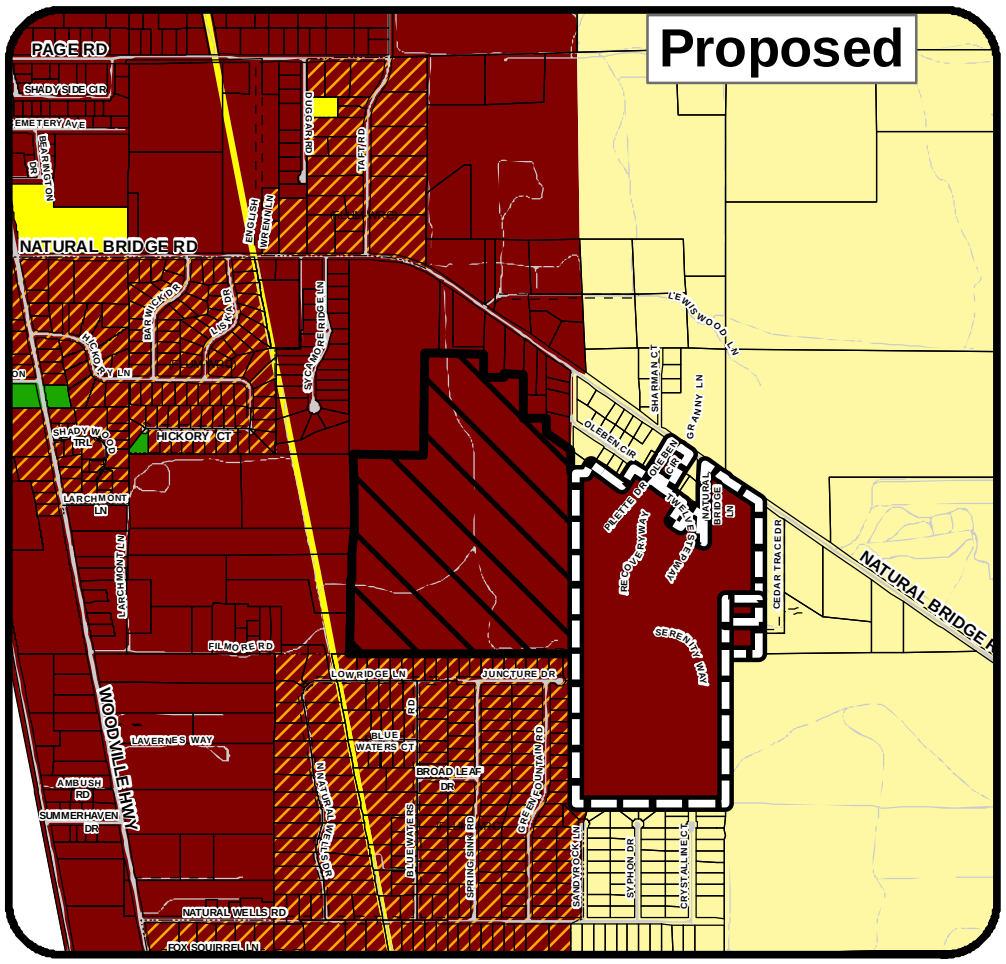
Disc Village

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

ACRES: 98.04 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT





Future Land Use

Legend

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

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

Woodville Rural Community Expansion

PCM130105

Disc Village

Existing

Rural

Proposed

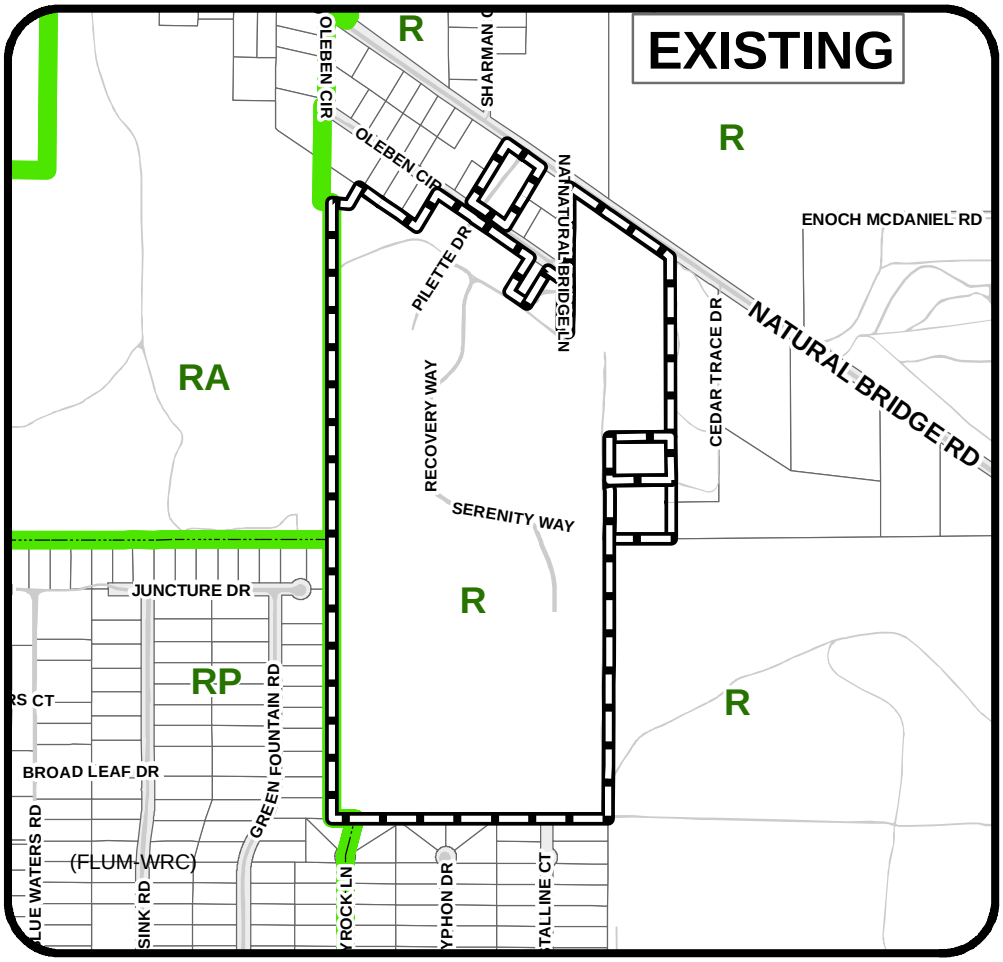
Woodville Rural Community

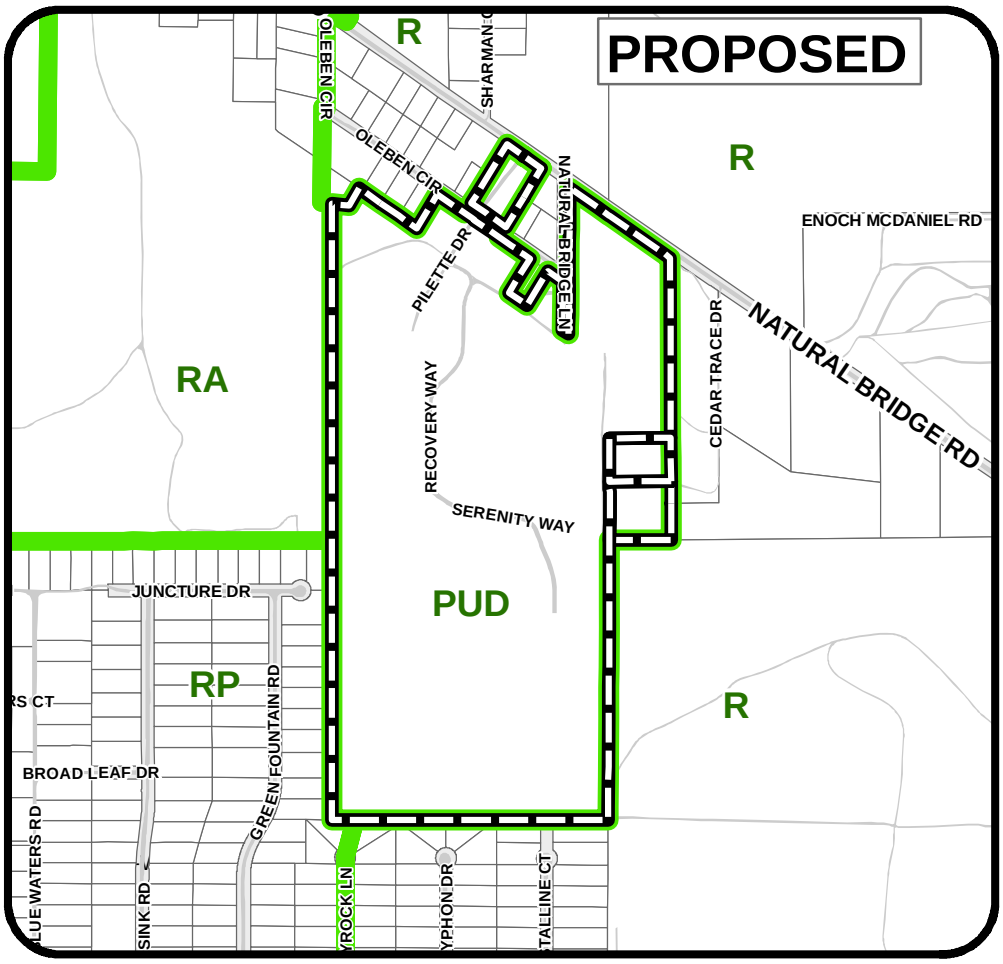
N W E S

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

ACRES: 98.04 ±

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





ZONING

Legend

Subject Parcel

zoning

Woodville Rural Community Expansion

PCM130105

Disc Village

Existing

R
(Rural)

Proposed

PUD
(Planned Unit Development)

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

ACRES: 98.04 ±

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

MAP AMENDMENT: PCM130105

APPLICANT: Woodville Properties

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

CITY __ COUNTY X

CURRENT DESIGNATION: Rural

REQUESTED DESIGNATION: Woodville Rural Community

DATE: January 9, 2013

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

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

A. SUMMARY:

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

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

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

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

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

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

C. APPLICANT'S REASON FOR THE AMENDMENT:

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

D. STAFF ANALYSIS

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

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

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

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

Existing FLUM & Zoning

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

Rural/Agriculture (Rural[1]) Land Use

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

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

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

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

Rural Zoning

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

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

Proposed FLUM & Zoning

Woodville Rural Community Land Use

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

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

Planned Unit Development Zoning

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

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

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

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

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features

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

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

2. Water/Sewer

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

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

3. Other

Roads

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

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

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

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

Transit Availability

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

Bicycle/Pedestrian Facilities Availability

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

4. Schools

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

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

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

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

5. 5-Year Capital Improvements Projects

None.

F. VESTED / EXEMPT STATUS:

Not applicable.

G. PLANNING ISSUES

Wastewater Treatment

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

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

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

Transportation

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

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

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

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

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

Allowable Residential Density

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

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

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

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

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

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

Allowable Non-residential Uses

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

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

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

[2] From Property Appraiser's Legal Description.

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

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

Local Government Priorities

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

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

(2) Promote concentrated commercial development in Woodville.

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

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

Regional Mobility Plan

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

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

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

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

H. CONCLUSION:

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

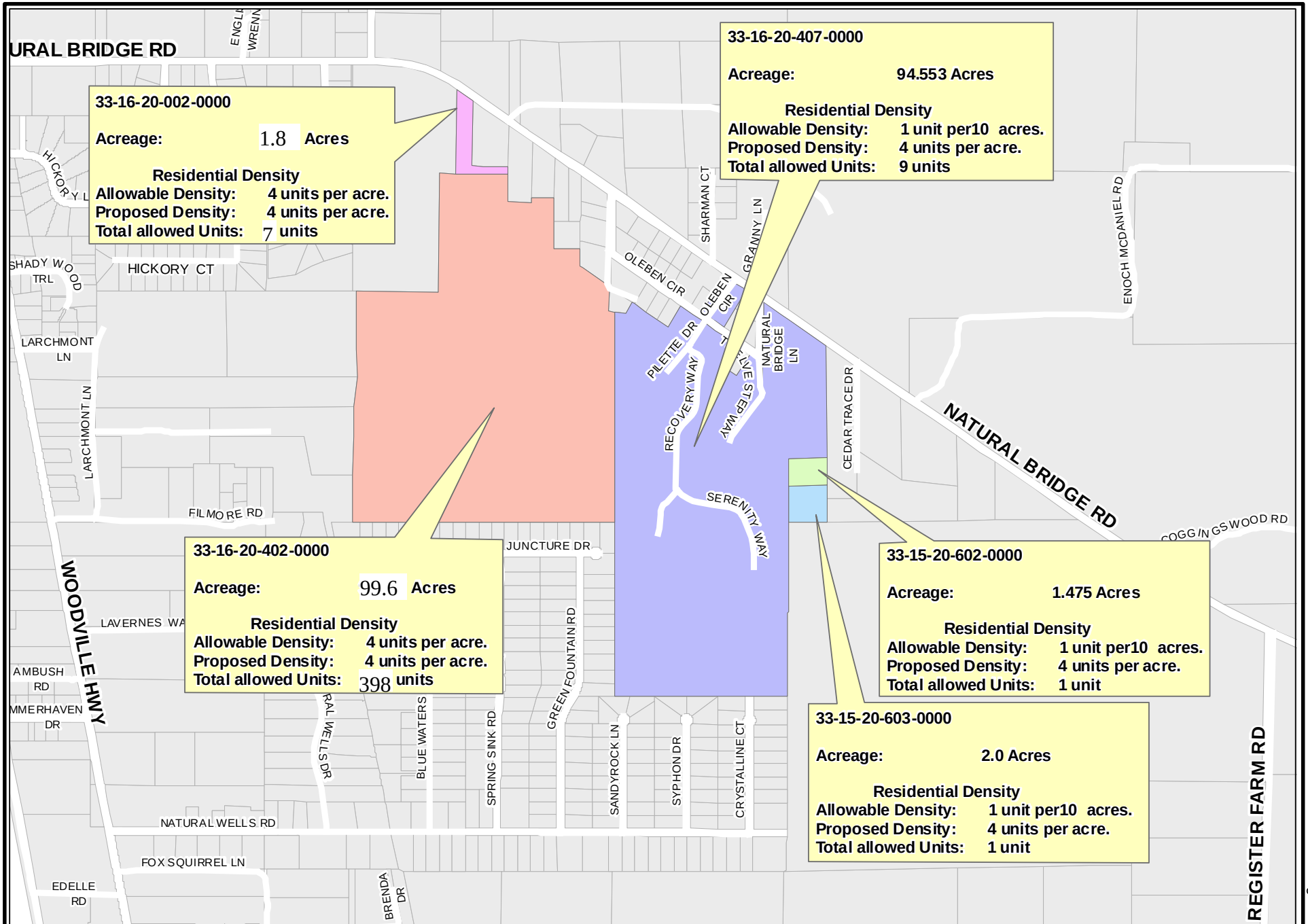
1. The existing DISC Village is a legal non-conforming use under its current Rural land use category. Eliminating this non-conformity will allow for further investment in the property and provide some flexibility for future use of the property.
2. The subject property, when combined with an adjacent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

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

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

I. ATTACHMENTS:

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



PCM 130105
Residential Densities

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

Posted at 5:00 p.m. on April 1, 2013

Date Printed: Dec. 10, 2012

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

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

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

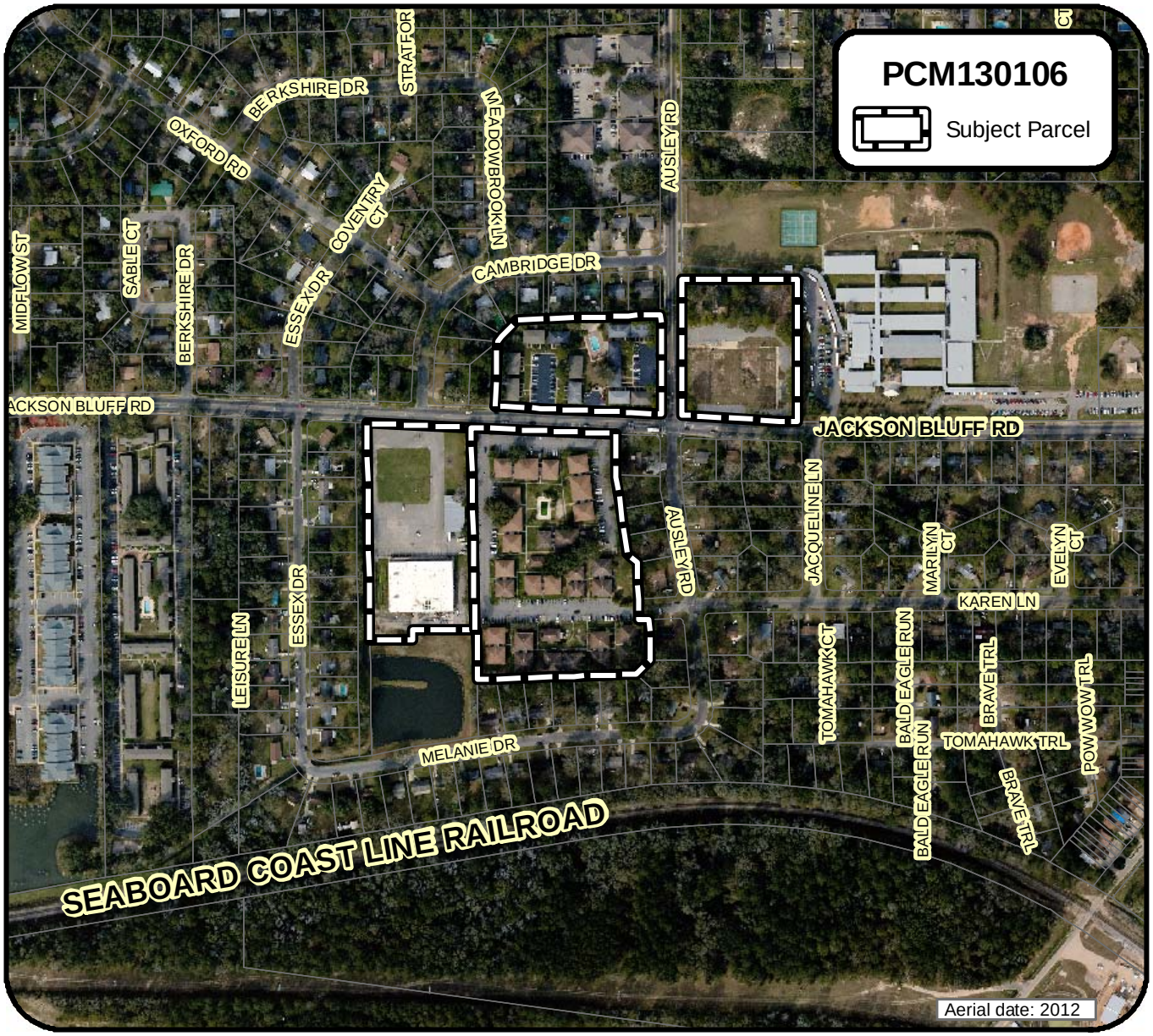
   (A) The Rural and Urban Fringe Future Land Use Map categories inside the PSPZ shall be designated as the sending areas to transfer dwelling units out of. Expansion of the Urban Fringe Future Land Use Map category shall not be allowed in the PSPZ.

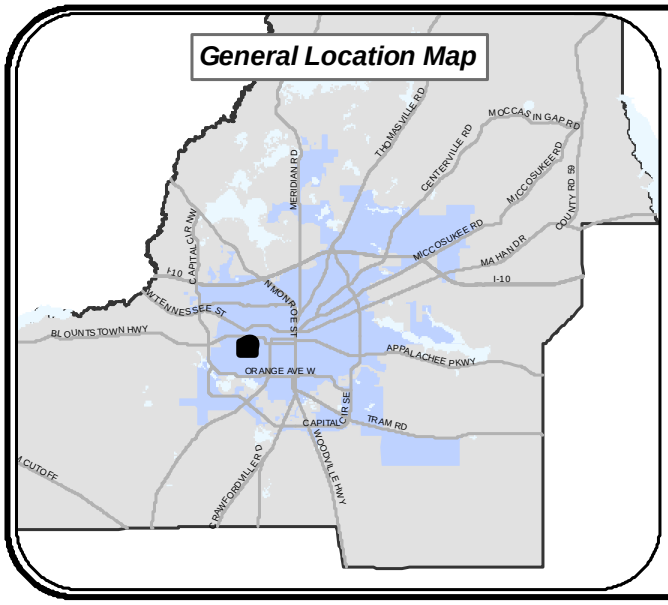
   (B) Areas inside the Woodville Rural Community Future Land Use Map category, where connection to sewer facilities designed to achieve Wastewater Treatment standards is available and required, shall be designated to receive dwelling units.

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

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

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



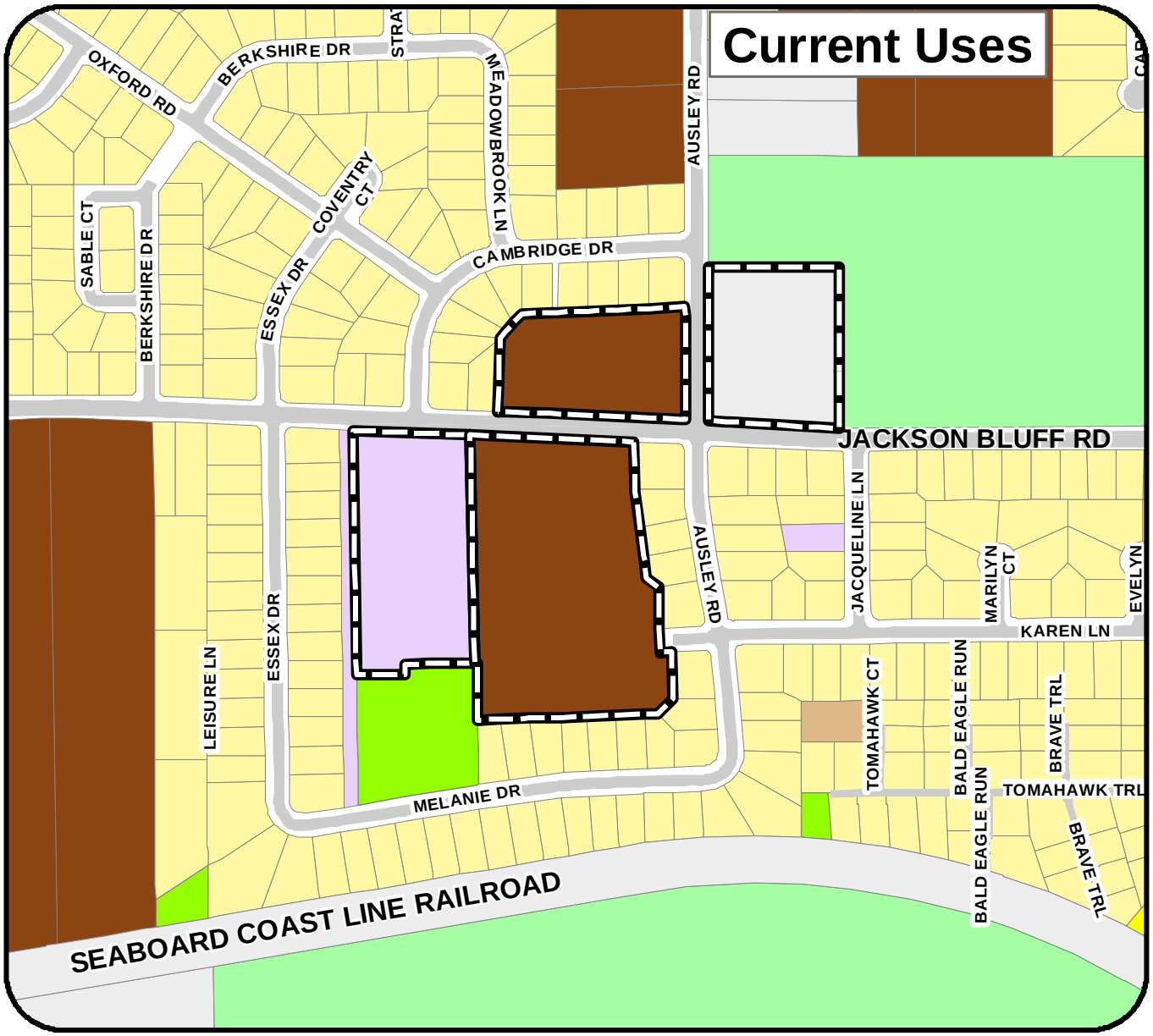


Jackson Bluff and Ausley Street PCM130106

Carolyn Bibler

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

ACRES: 16.42±



Legend

Subject Parcel

Current Uses (Oct. 2012)

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

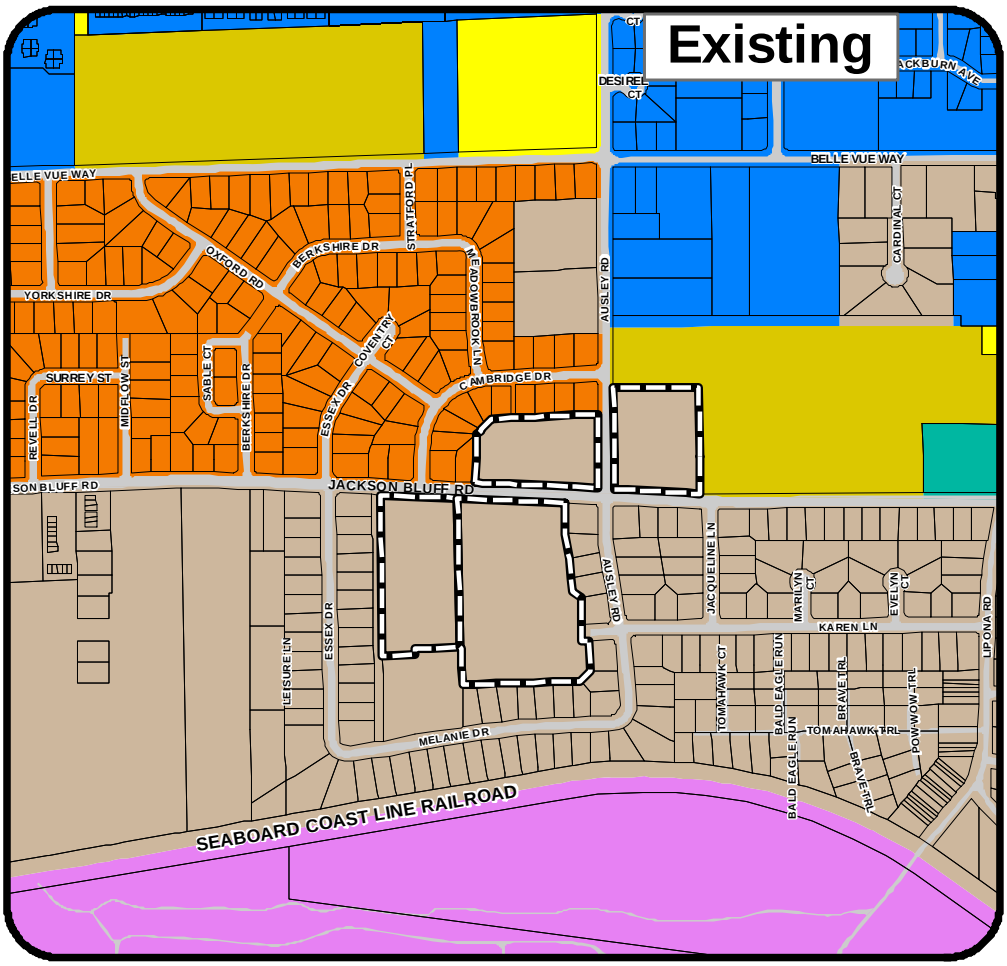
Jackson Bluff and Ausley Street PCM130106

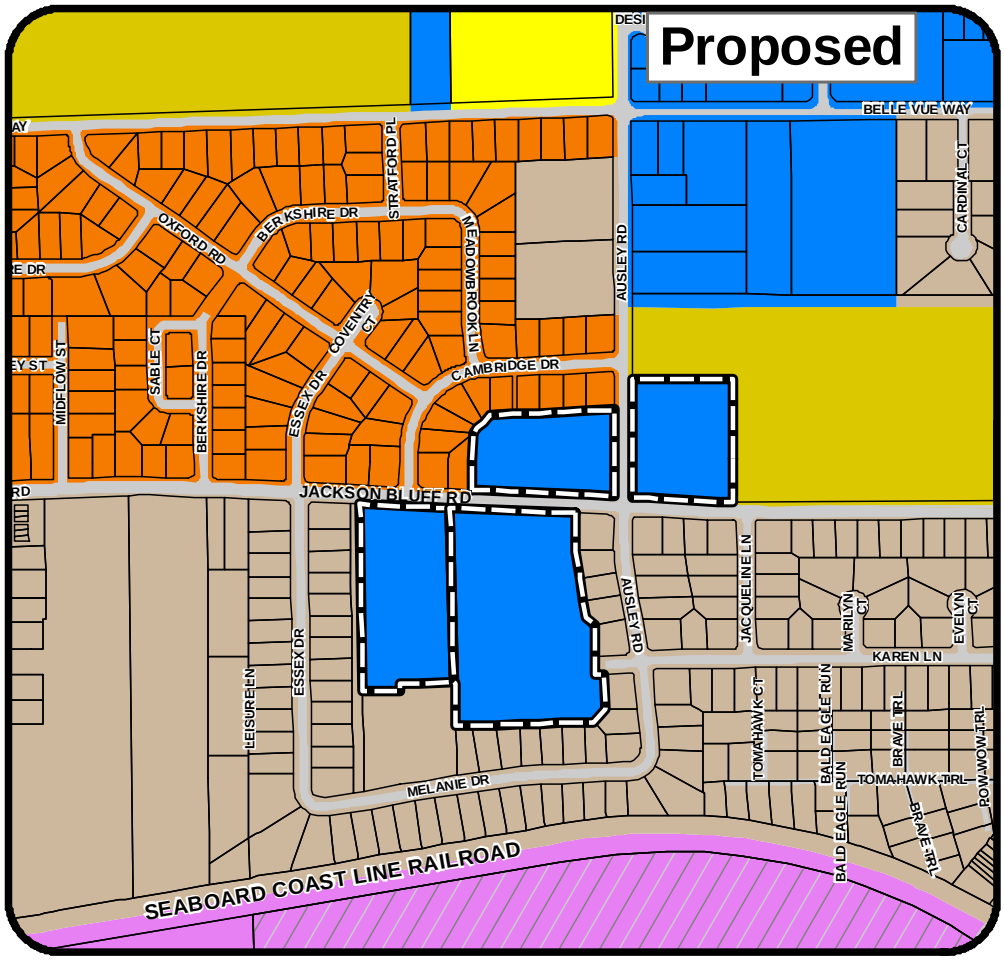
Carolyn Bibler

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

ACRES: 16.42 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT





Future Land Use

Legend

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

Subject Parcel

Jackson Bluff and Ausley Street PCM130106

Carolyn Bibler

Existing

Urban Residential-2

Proposed

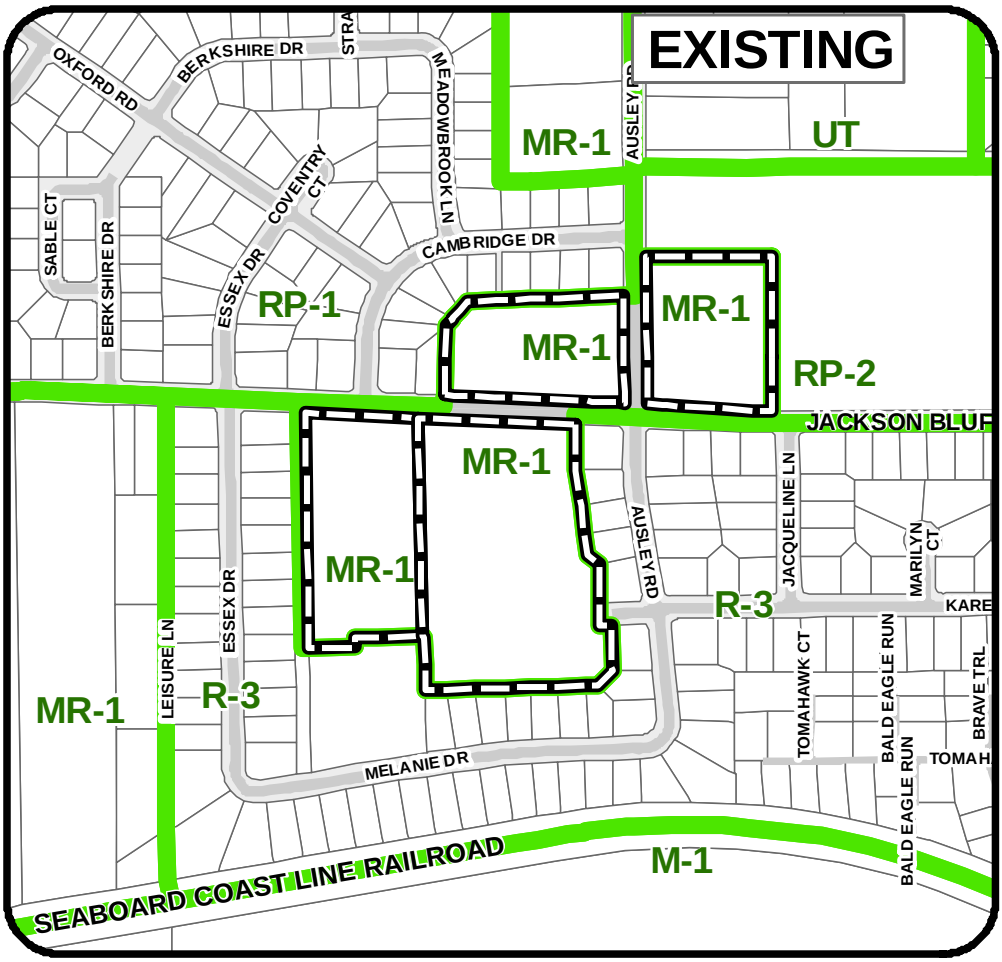
University Transition

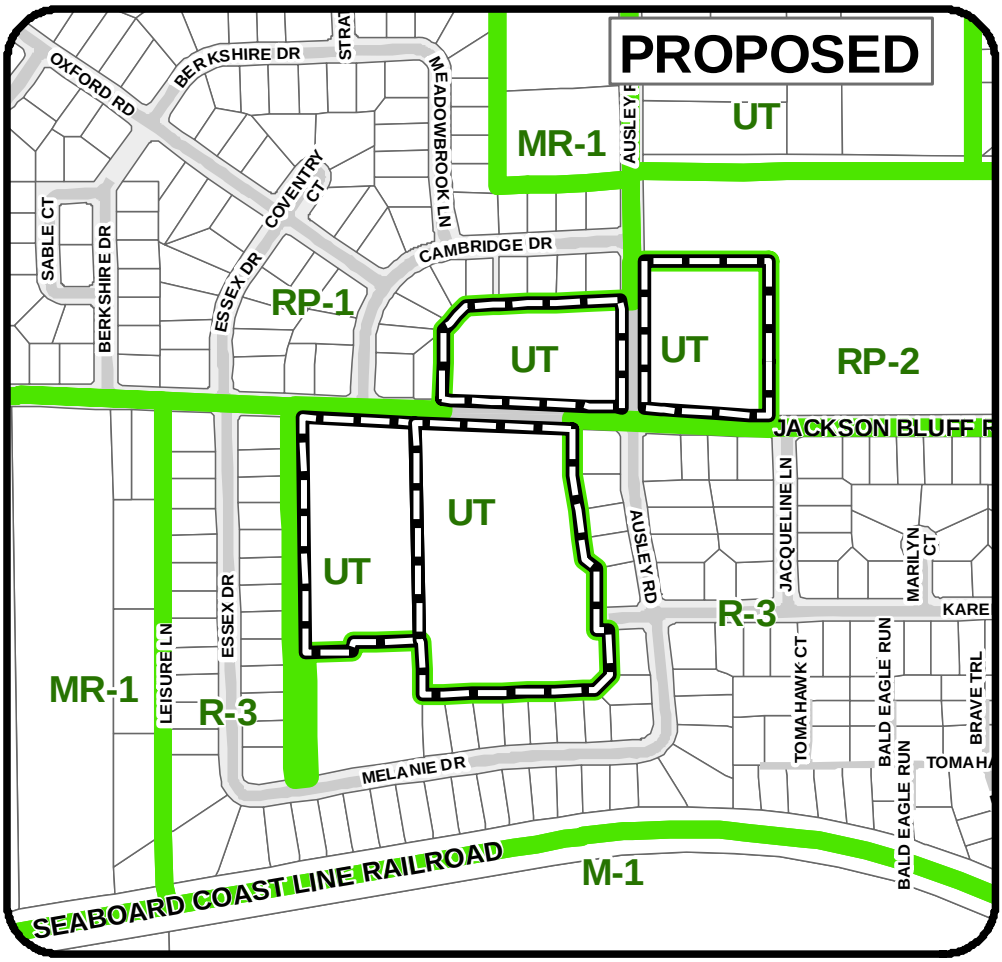
N W E S

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

ACRES: 16.42 ±

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





ZONING

Legend

Subject Parcel

zoning

Jackson Bluff and Ausley Street PCM130106

Carolyn Bibler

Existing

MR-1
(Medium Density Residential

Proposed

UT
(University Transition)

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

ACRES: 16.42 ±

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

MAP AMENDMENT #: PCM130106

APPLICANT: Carolyn Bibler, Bibler Design Development

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

CITY __X__ COUNTY __

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

REQUESTED DESIGNATION: University Transition (UT)

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM130106

A. SUMMARY:

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

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

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

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

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

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

C. APPLICANT'S REASON FOR THE AMENDMENT:

See Attachment I.

D. STAFF ANALYSIS:

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

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

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

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

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

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

2. Effects of the proposed change on character of the area

The subject site is located in an urbanized area, comprised of a mixture of student rental housing, large apartment complexes, and older neighborhoods. Most of the housing stock is geared toward student use. All four parcels of the amendment front on Jackson Bluff Road, with two parcels having dual frontage on Ausely Road. Both roads are classified as major collectors and all four parcels lie within 1000 feet of the intersection of these two corridors. The West Pensacola Sector Plan identified the corridors as having underutilized parcels that over time would be converted to uses in keeping with the surrounding university influences. In addition, recommendations from the public directed high intensity/density development to the major transportation corridors, while encouraging mixed uses, pedestrian oriented development and good urban design. For the Jackson Bluff Road area, the public recommended that it remain a walkable/pedestrian friendly road with a mixture of housing types and uses and that existing retail and multi-family areas be allowed to redeveloped with greater intensities/densities. They also recommended that if additional development was approved it should be compatible with the existing single-family housing and utilize urban design techniques. The goal was to create projects that resulted in a mixture of land uses, encouraged walkability and supported other modes of transportation.

In addition to the recommendations pertaining to retail and existing multi-family areas, the Sector Plan also provided recommendations for the single family residential neighborhoods along the roadway. Jackson Bluff Road is generally a residential corridor with a combination of single family residential and apartments. The existing residential neighborhoods are the most likely location for affordable single family housing in the sector. This is important since the sector is the home to some of those most in need of affordable housing. It was the recommendation of the rental-owners and resident-owners who attended the public meetings to preserve those neighborhoods with the Residential Preservation designation where homeownership was the highest and most stable. For the Jackson Bluff area, that neighborhood was Bradford Manor. Bradford Manor is located north of Jackson Bluff Road, between Ausley Road and Mabry. At the time of the Sector Plan (2005), the neighborhood had a homeownership rate of 37%. Today the ownership rate has dropped to 22% (see Attachment 2 for map of homestead properties in the vicinity of the amendment). However, the housing stock is still affordable for those who chose to reside in the sector.

3. Evaluation of the Applicant's Reasons for the Request in the Context of the Plan and Surrounding Area

The applicant is requesting the map change to allow for a higher density of multi-family development, as well as much needed neighborhood scale commercial development at Jackson Bluff/Ausley Road node. The four parcels are located within 1000 feet of the intersection of Jackson Bluff and Ausley Road. Although this is a reasonable site for neighborhood commercial redevelopment at this node, the current zoning and future land use designation only allows for more medium density residential development. The proposed amendment would allow smaller scale commercial intermixed with higher density housing. The applicant notes that this combination increases chances for the success of retail, service, food, and entertainment establishments that will serve the neighborhood as a whole. Currently, the nearest grocery store is the Publix at Ocala Road and Tennessee Street, a mile away on foot, and the closest restaurants are over a third-mile away from the node.

The proposed amendment is also within the Mobility District, which promotes the use of alternative transportation. The Mobility District encourages mix uses, and well-designed buildings and public places. The proposed amendment furthers the goals of the Mobility District and the transportation strategies in the West Pensacola Sector Plan since it would allow higher densities/intensities and mixed use development, a perquisite for successful implementation of mass transit and other alternative modes of transportation.

4. Availability/impacts of Infrastructure

The subject parcels are centrally located in the City and are serviced by all the essential urban services, and thus could support more intense development. The parcels have access to water and sewer, sidewalks, transit, parks, cultural and recreational facilities.

Planning Summation

The Tallahassee-Leon County Comprehensive Plan directs the sector planning of the Southern Strategy area. The West Pensacola Sector Plan is a product of that directive. With more than 15,000 residents in the Sector, the area is one of the most densely populated in our community and because of its proximity to Tallahassee Community College and Florida State University and its large student population; many in the community see the Sector as part of a larger education quadrant. With these two institutions as primary destinations, the sector has several significant corridors. These corridors in the Plan were recommended for the highest density development as well as supporting retail and office uses. In addition, Jackson Bluff, the roadway which all four subject parcels front, was to remain a walkable/pedestrian friendly road with a mixture of housing types and uses with additional development designed to be compatible with adjacent single family housing. The design standards contained within the proposed UT zoning category would facilitate this since they seek to provide aesthetic design and compatible transition between land uses and activities.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features: The four parcels of this amendment are located within the Lake Munson drainage basin. Two of the parcels, located immediately south of Jackson Bluff Road, are in altered floodplains (parcel # 41-03-20-201-0000 and parcel # 41-03-20-240-0000). County environmentally sensitive area maps indicate no other known environmentally sensitive features in the subject area.

2. Water/Sewer: City water and sewer are available to the area.

3. Transportation:

   Transit Availability**:** The subject parcels and surrounding area are serviced by Star Metro.

   Bicycle/Pedestrian Facilities Availability: The request area does have sidewalks.

   Transportation Analysis and Conclusion: The subject site is located within the Multimodal Transportation District (MMTD). Automobile Level of Service standards do not apply to parcels contained within the adopted Multimodal Transportation District, as created by Comprehensive Plan Amendment PCT080119, because this geographic area is now governed by area wide multimodal Level of Service standards to be evaluated every other year pursuant to state requirements.

4. Schools: The subject site is in the Riley, Nims and Rickards school attendance zones.

School Name	Riley Elementary	Nims Middle	Rickards High
Potential Students Generated	94	36	35
Present Capacity	-48	510	240
Post Development Capacity	-142	474	205

The table above depicts preliminary calculations provided by School Board staff based on the maximum residential development allowed under the requested future land use category. Final school concurrency calculations will be conducted in the future when a site plan for proposed development is submitted.

5. Optional Sustainable Development Survey

The amendment application forms include an optional sustainable development survey that allowed the applicant to provide information about the proximity of services to the site under review. The form was completed by the applicant.

F. VESTED / EXEMPT STATUS:

The subject properties are not vested or exempt.

G. CONCLUSION:

Based on the above data and analysis, staff concludes the following:

1. The proposed amendment would further a number of strategies and recommendations from the West Pensacola Sector Plan for the Jackson Bluff Road area. All four parcels in this amendment front on Jackson Bluff Road. The Sector Plan recommended that Jackson Bluff remain a walkable/pedestrian friendly road with a mixture of housing types and uses and that higher intensities be allowed for existing retail and multi-family areas. The Plan also recommended that if additional development was approved it should be compatible with existing single-family housing and utilize urban design techniques.

2. The subject parcels are located in the Mobility District, which promotes the use of alternative transportation. Approval of this amendment would further the goal of the Mobility District and the transportation strategies of the West Pensacola Sector Plan by promoting mixed use development and higher densities and intensities, a prerequisite for successful implementation of mass transit and other alternative modes of transportation.

3. The subject parcels are within what could be a future urban node providing limited scale commercial/retail uses for nearby residents. Such nodes can be characterized by a mix of higher intensity services and uses, more dense housing choices, easy access to mass transit, and increased walkability made possible by an interconnected sidewalk system.

4. The proposed amendment is not anticipated to have adverse effects on public facilities.

Thus, based on the data, analysis, and conclusions, staff is recommending approval of this amendment.

1. **Why do you want to change the Future Land Use Map?**

Four separate tax parcels that lie within the West Pensacola Street Sector are the subjects of this request. Please refer to Vicinity Map, Figure 1. Currently, all four parcels have an underlying Future Land Use Map (FLUM) designation Urban Residential (UR-2) and are zoned Medium Density Residential (MR-1).

Two of the four parcels are currently developed as apartment complexes, while the third is an old grocery store shopping center that is currently used as Salvation Army thrift store, Community Garden and office. The fourth parcel is currently vacant, although it has been developed in the past as a site for portable classrooms and contains asphalt driving lanes and parking areas. An older house also exists on the property and was formerly used as a day care center. Please refer to attached Existing Conditions Aerial Map, Figure 2.

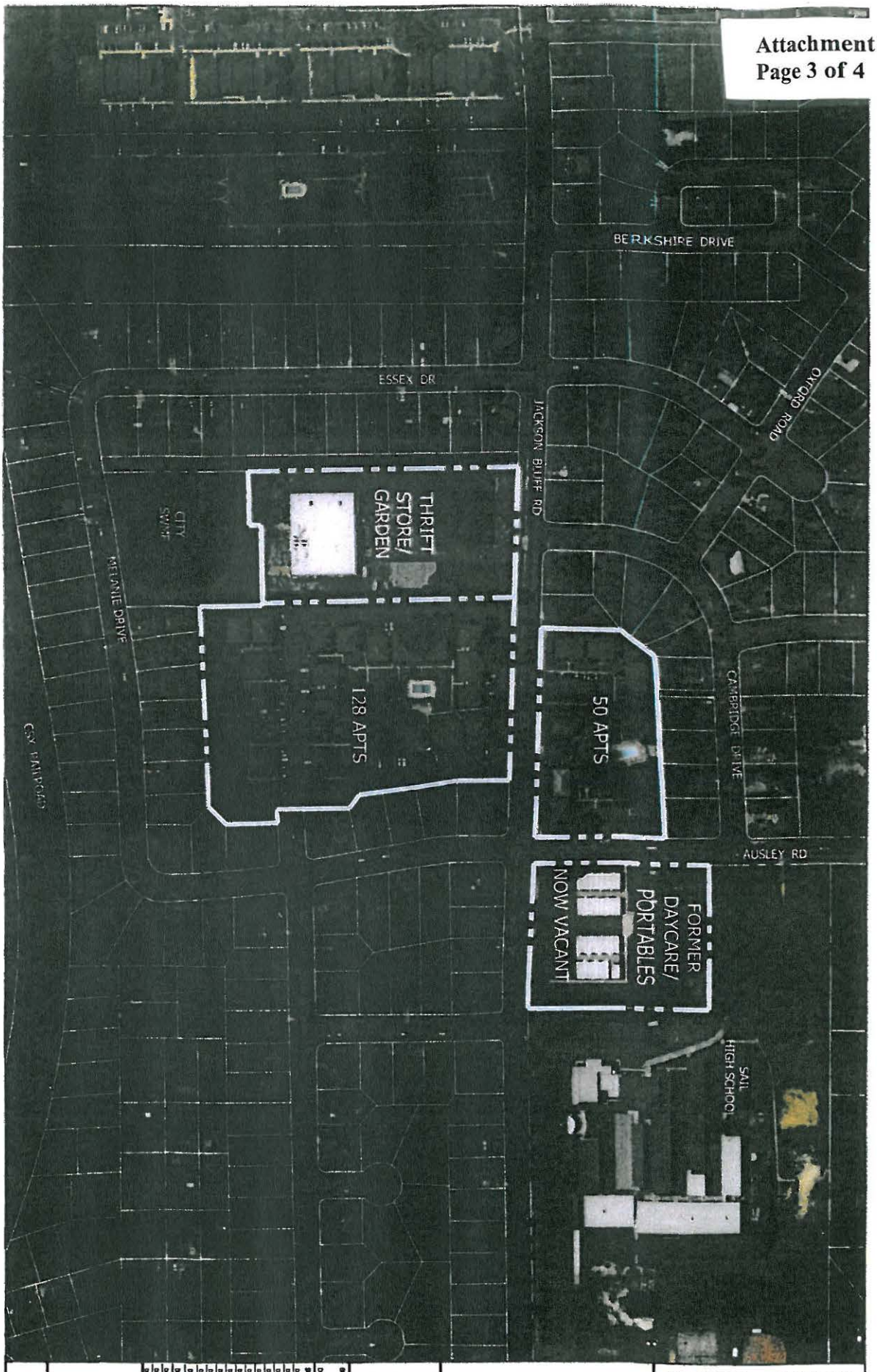
All four parcels front on Jackson Bluff Road, with two of the parcels having dual frontage on Ausley Road. Both roads are designated Major Collectors and all four parcels lie within 1000' of the intersection of these two significant corridors.

It is requested that all four parcels be re-designated University Transition (UT) on the FLUM, with zoning also being revised to UT. This change would allow for a higher density of multi-family residential development at this important node, as well as allowing for much-needed neighborhood-scale commercial development.

The parcels lie within the Multi-Modal Transportation District (MMTD) and are well served by Tallahassee's mass transit system. Ausley Road has a designated on-street bike lane and Jackson Bluff Road has wide pavement and is shown as a "Shared ROW" for bicycles on Mobility District maps. The Jackson Bluff/Ausley intersection is less than one mile from Doak Campbell Stadium and approximately a mile and a half from Tallahassee Community College Campus. However, apart from the thrift store – retail and service businesses to serve a walking and biking populace are non-existent within ¼ mile of the intersection. The nearest location for a loaf of bread or carton of milk is nearly ½ mile to Pensacola Street at the Circle K or ¾ mile down Jackson Bluff to a Kangaroo gas station convenience store. The nearest real grocery store is the Publix at Ocala and Tennessee, a mile away on foot. There are no restaurants within a third-mile. Although there is ample opportunity for redevelopment at this

node, the current zoning and Future Land Use designation only allows for more residential development. Please refer to Zoning Vicinity Map, Figure 3.

According to the *West Pensacola Street Sector Plan*, which was prepared by the Tallahassee-Leon County Planning Department in 2006, sixty-five percent of the sector is between the ages of 18 and 24, with sixty-three percent enrolled in college. Recommendations from public input to the sector plan included directing high density/intensity development to the corridors and permitting an increase in density there, while encouraging mixed uses and good urban design. Specific to Jackson Bluff Road, recommendations for redevelopment included allowance for higher density development in existing retail areas or existing multi-family areas. Also, additional development, if approved, should be compatible with existing single-family housing and utilize urban design techniques. Jackson Bluff Road should be a walkable/ pedestrian friendly road with a mixture of housing types and uses. A Future Land Use Map and zoning change to UT would allow for smaller scale commercial intermixed with higher density housing to support it. This combination increases chances for the success of retail, service, and food and entertainment establishments that will serve the neighborhood as a whole. The design standards contained within the UT zoning category provide for aesthetic protections and value-added functionality.



ATTACHMENT 9
FIGURE 2

1" = 200'

DATE:
BDD PROJECT #: 154.002
10/1/13

EXISTING CONDITIONS AERIAL MAP

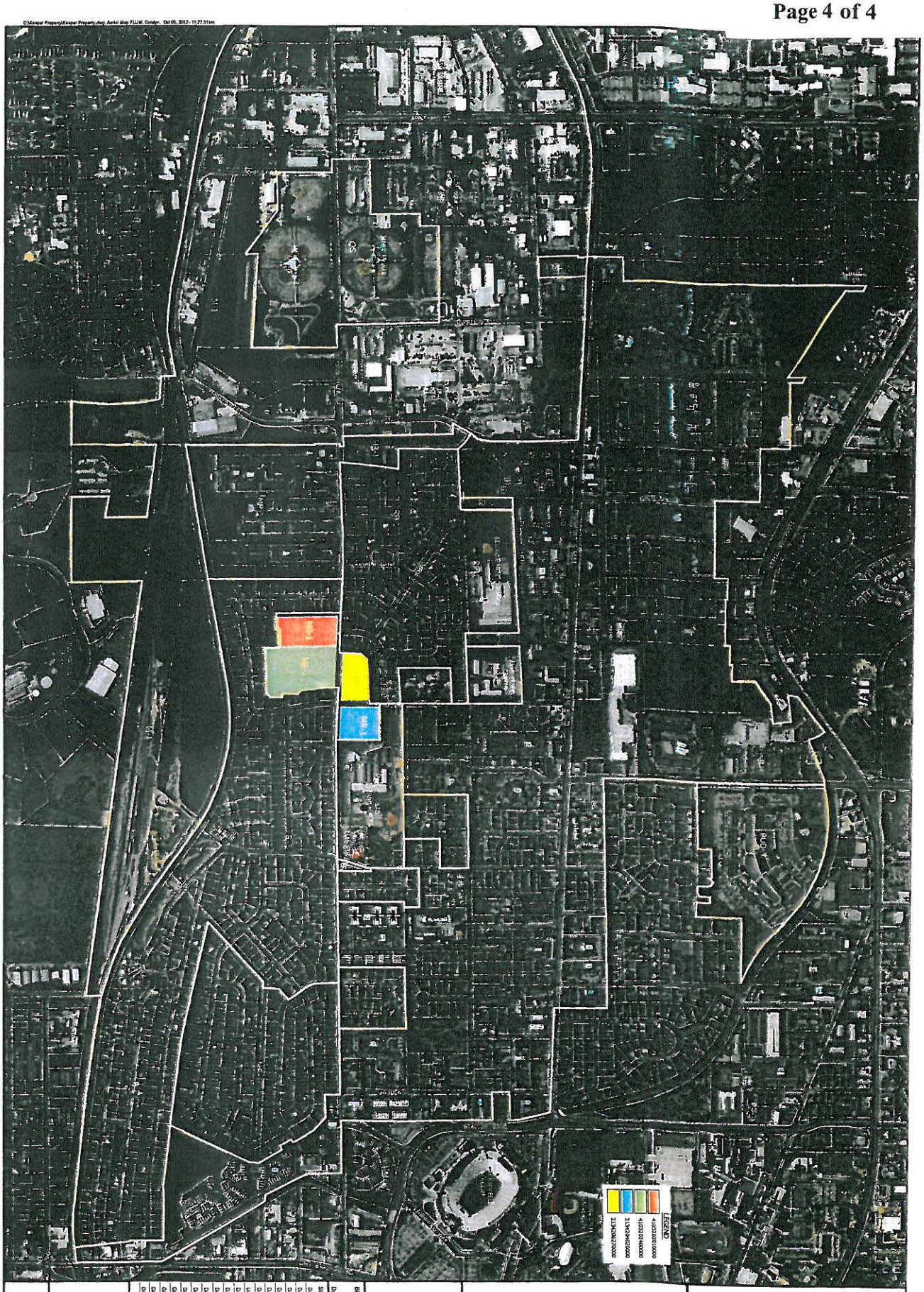
JACKSON BLUFF AT AUSLEY ROAD
FLUM AMENDMENT
TALLAHASSEE, FL

LAND USE PLANNING
ENGINEERING SUPPORT

BIBLER DESIGN DEVELOPMENT

3673 MOSSY CREEK LN
TALLAHASSEE, FL 32311
OFFICE 850.877.4377
CELL 850.567.0181

Attachment I
Page 4 of 4



ATTACHMENT 9
FIGURE 3

400

SUBMITTALS/REVISIONS:
DATE 1.
DATE 2.
DATE 3.
DATE 4.
DATE 5.
DATE 6.
DATE 7.
DATE 8.
DATE 9.
DATE 10.
DATE 11.
DATE 12.
DATE 13.
DATE 14.
DATE 15.
DATE 16.
DATE 17.

BDD PROJECT #: 151.002
DATE: 10/1/12

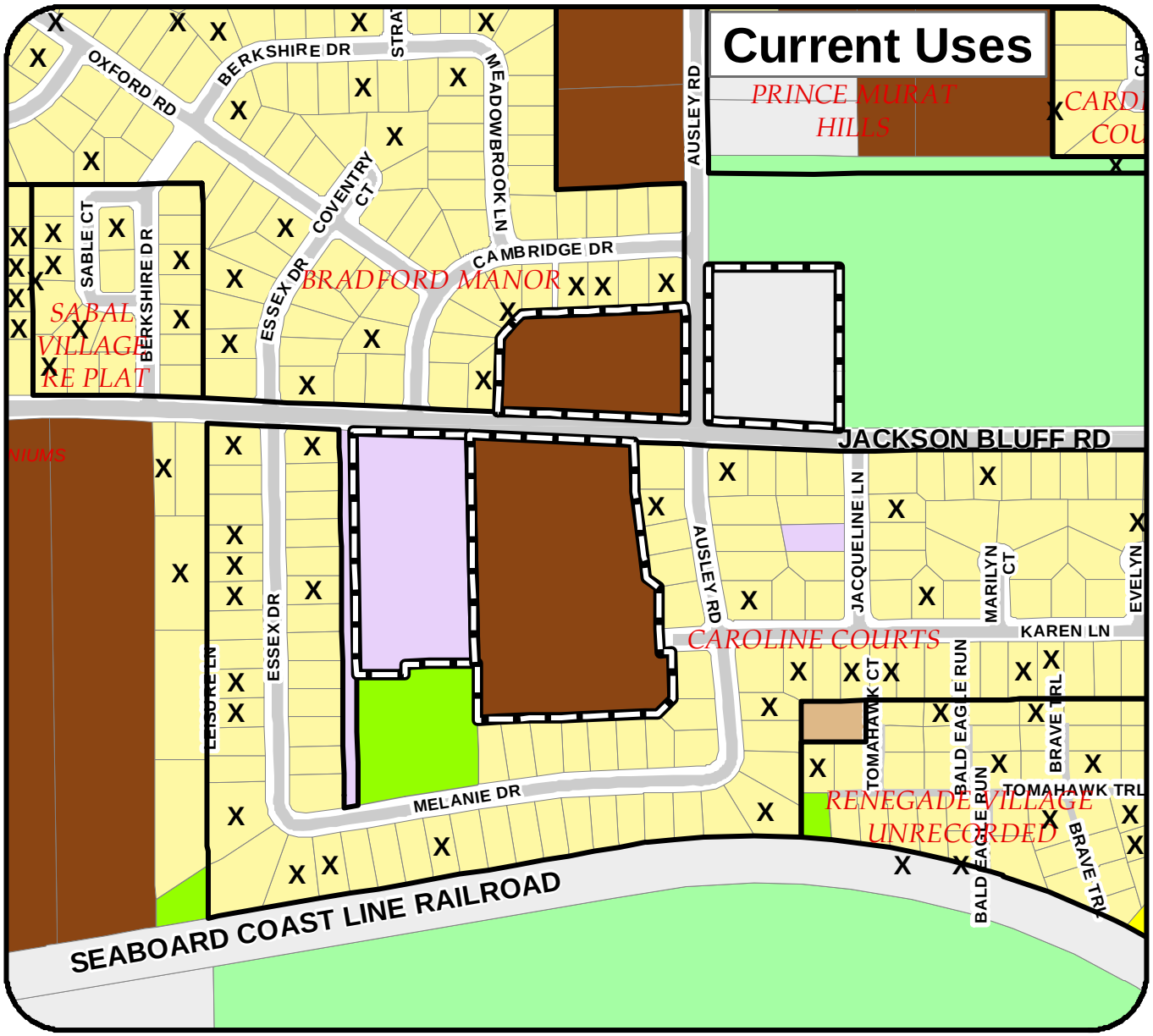
ZONING VICINITY MAP

JACKSON BLUFF AT AUSLEY ROAD
FLUM AMENDMENT
TALLAHASSEE, FL

LAND USE PLANNING
ENGINEERING SUPPORT

BIBLER DESIGN DEVELOPMENT

Attachment II



Legend

Subject Parcel

Subdivisions

Current Uses (Oct. 2012)

- Single Family Detached/Mobile Home
- Two-Family Dwelling
- Multi-Family
- School
- Open Space Common Areas
- Open Space Resource Protection
- Religious/Non-profit
- Vacant

X Homestead Exempt Properties

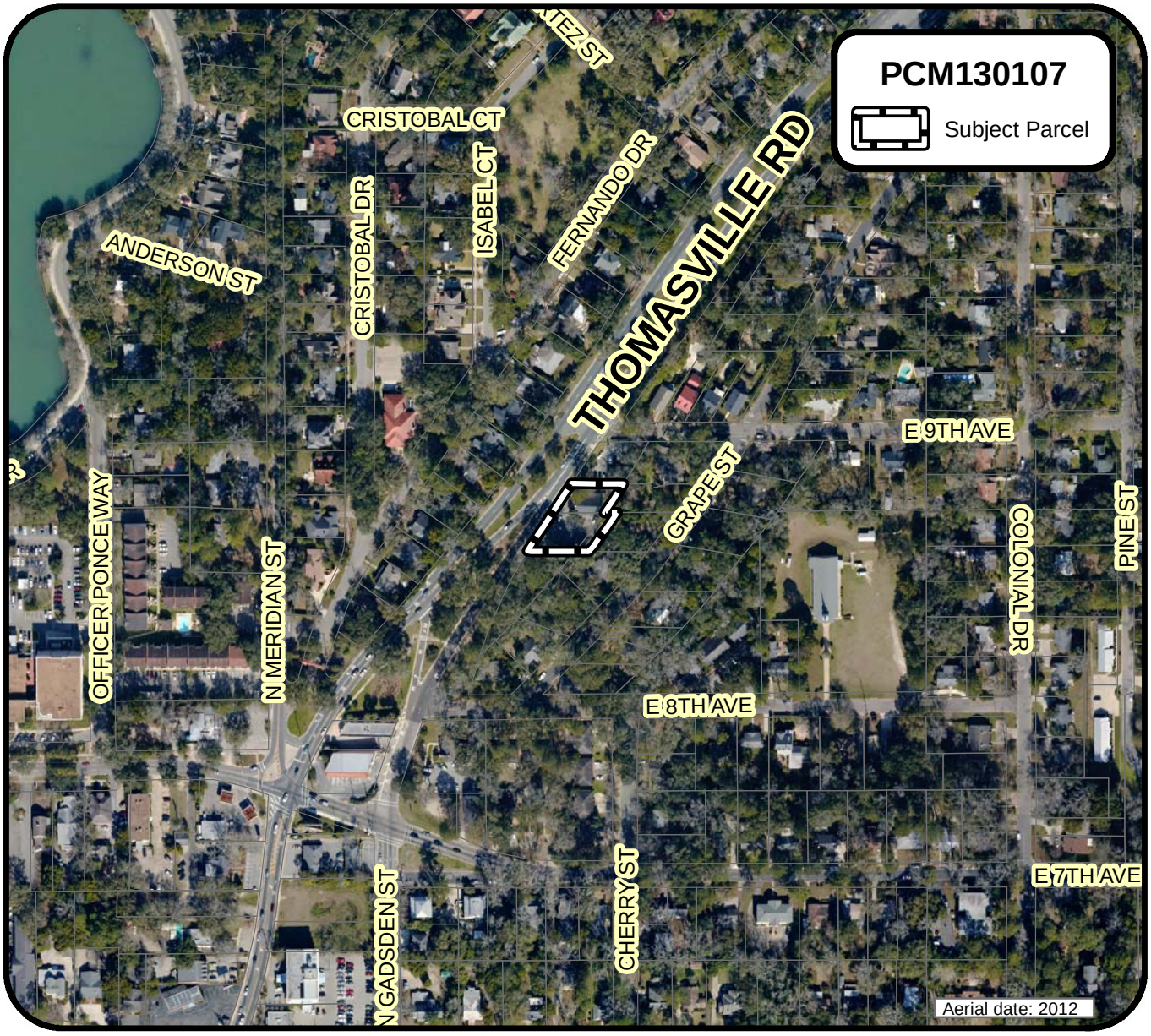
Jackson Bluff and Ausley Street PCM130106

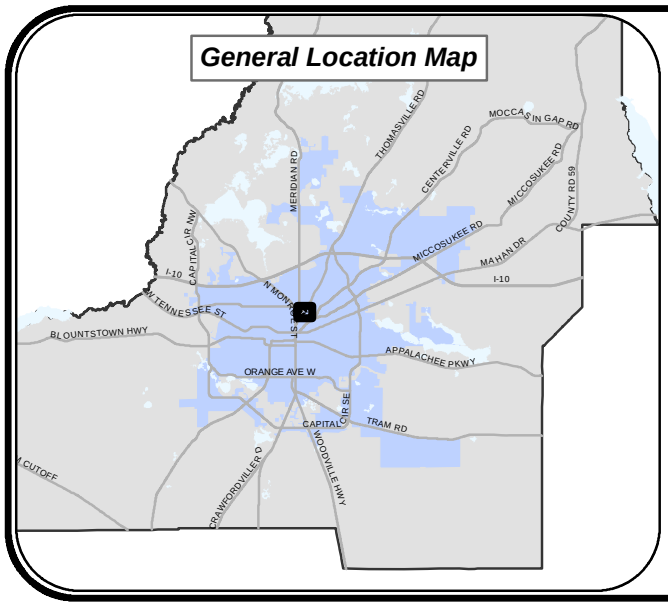
Carolyn Bibler

SITE TAX IDs:
21-34-20-402-0000
21-34-20-627-0000
41-03-20-201-0000
41-03-20-240-0000

ACRES: 16.42±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT





9th Avenue and Thomasville Road PCM130107

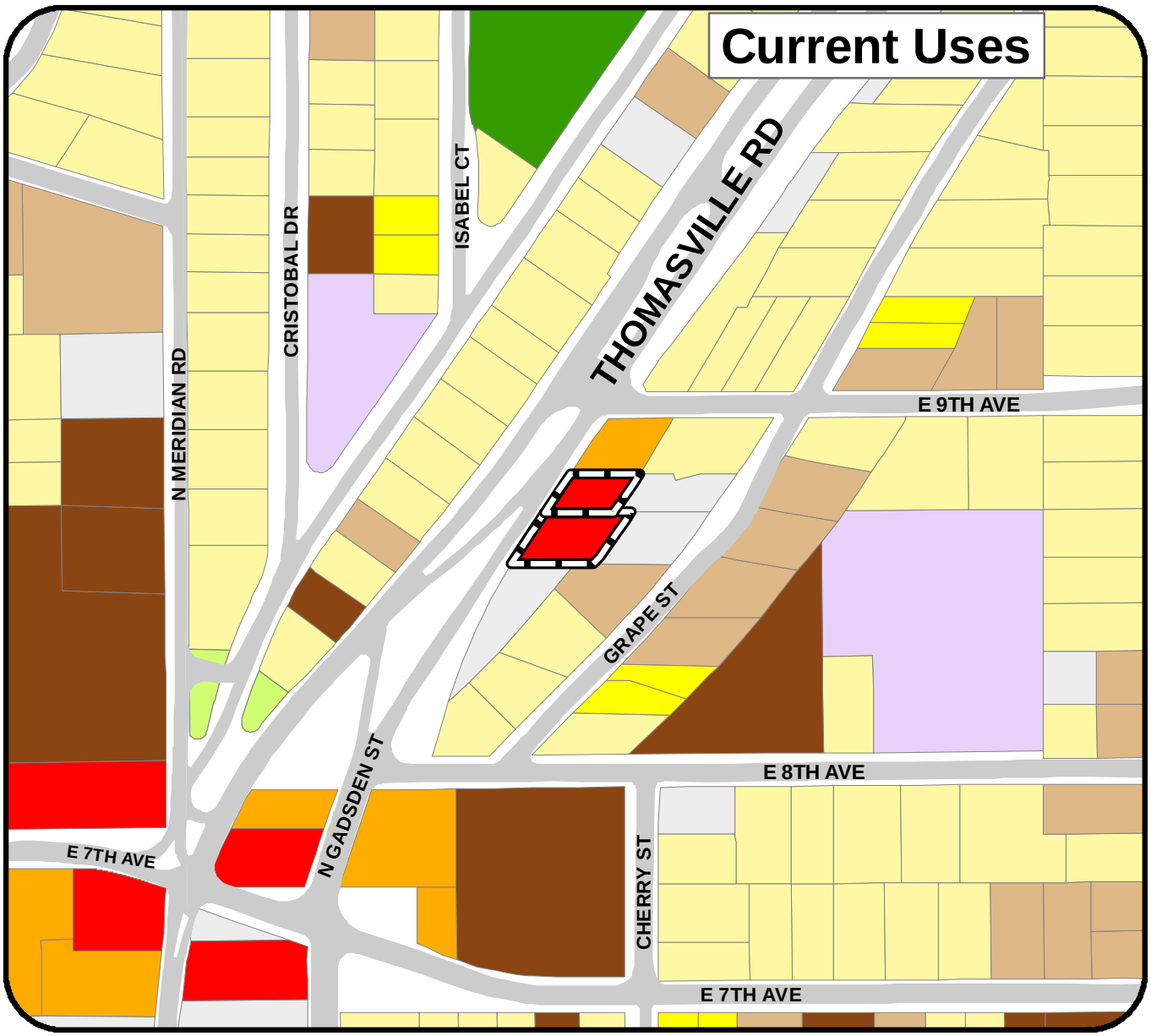
City of Tallahassee

SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
and
11-30-57-000-0220
(Northwest 22 ft)

ACRES: 0.38 ±

N W E S

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT



Legend

Subject Parcel

Current Uses (Oct. 2012)

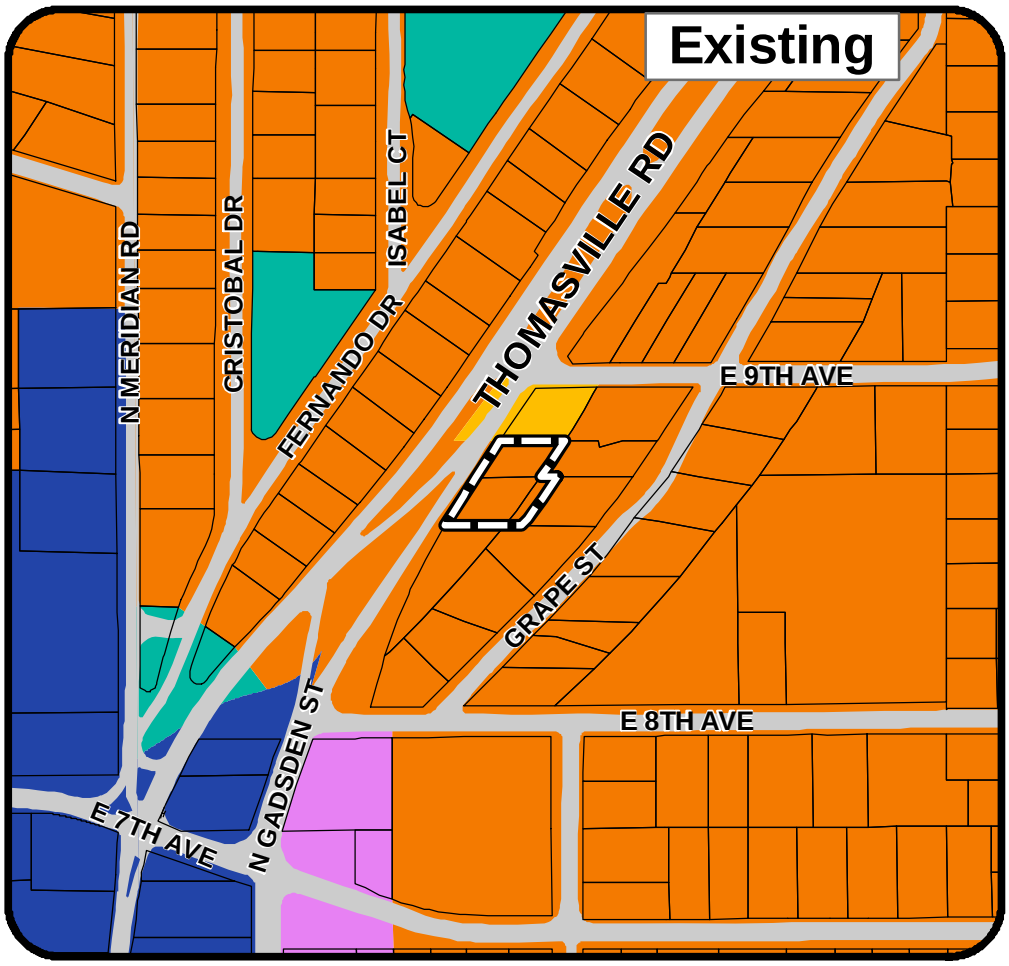
- Single Family Detached/Mobile Home
- Single Family Attached
- Two-Family Dwelling
- Multi-Family
- Retail
- Office
- Government Operation
- Open Space Common Areas
- Open Space Recreation/Parks
- Religious/Non-profit
- Vacant

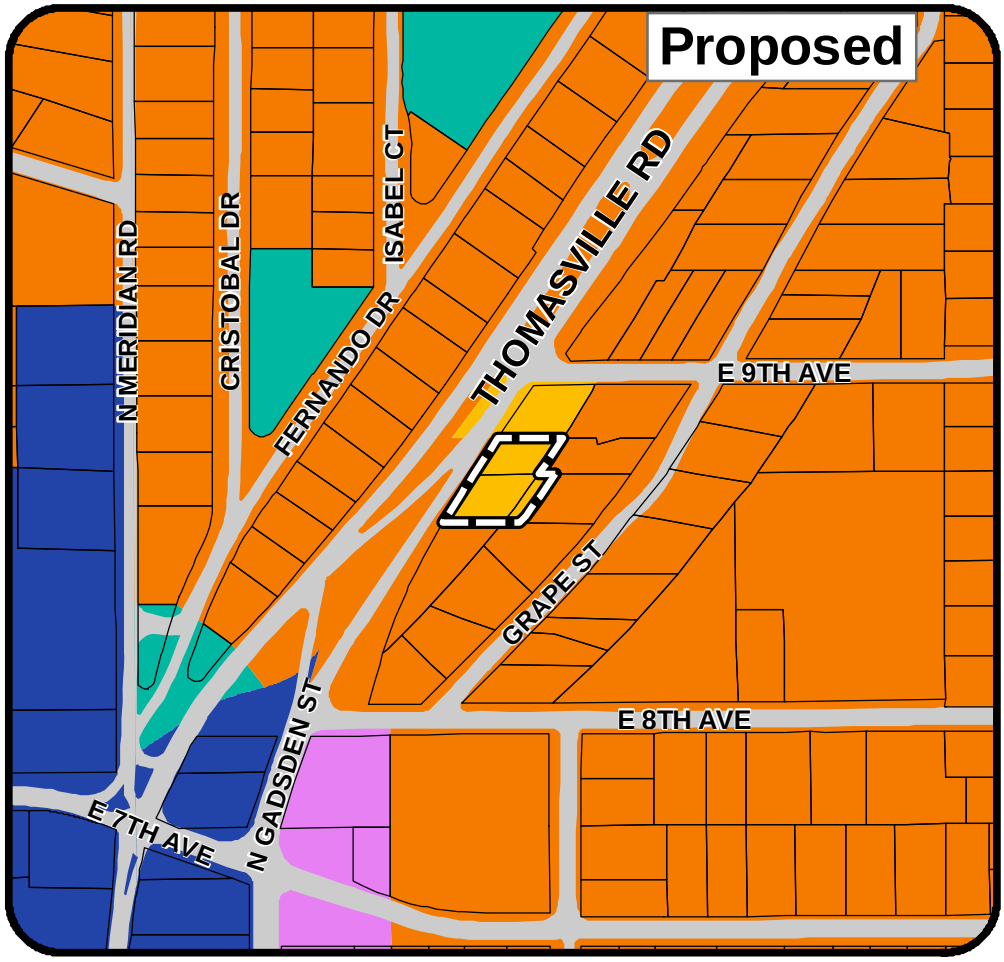
9th Avenue and Thomasville Road
PCM130107
City of Tallahassee

SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
and
11-30-57-000-0220
(Northwest 22 ft)

ACRES: 0.38 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT





Future Land Use

Legend

- Central Urban
- Open Space
- Residential Preservation
- Suburban
- Neighborhood Boundary

Subject Parcel

9th Avenue and Thomasville Road
PCM130107
City of Tallahassee

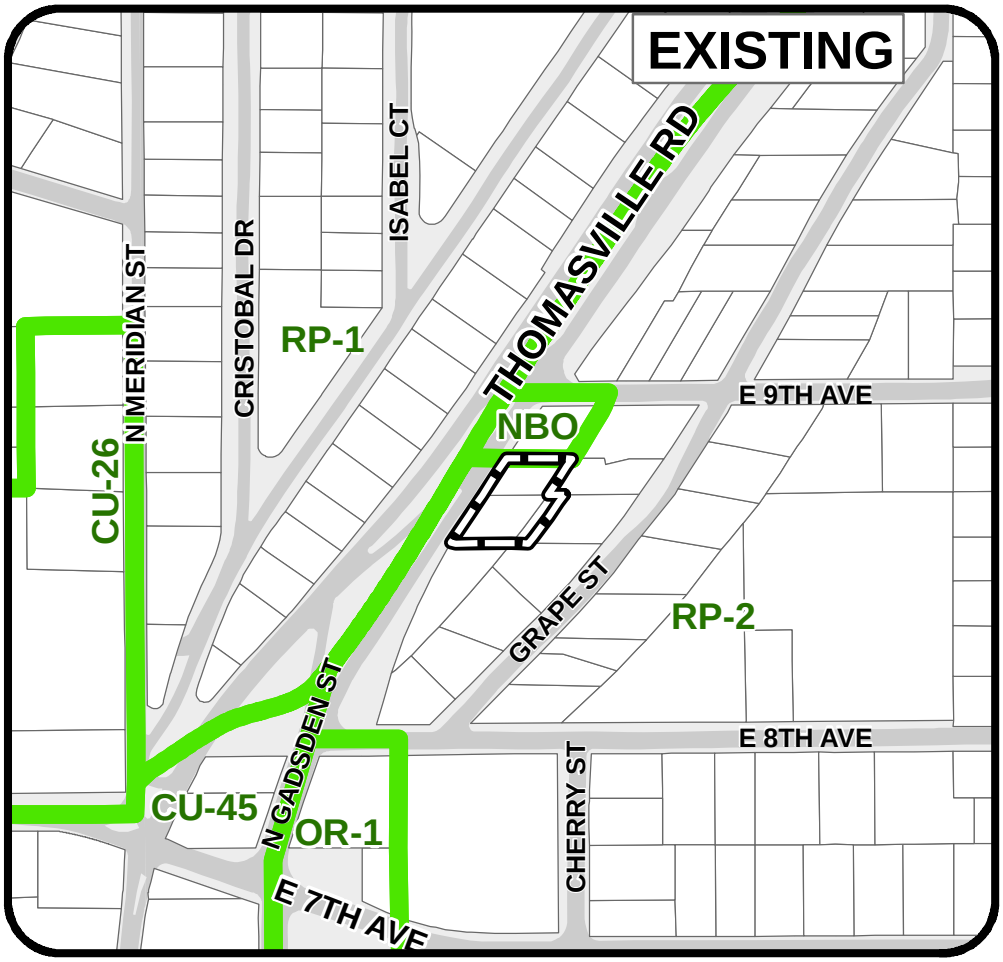
Existing
Residental Preservation

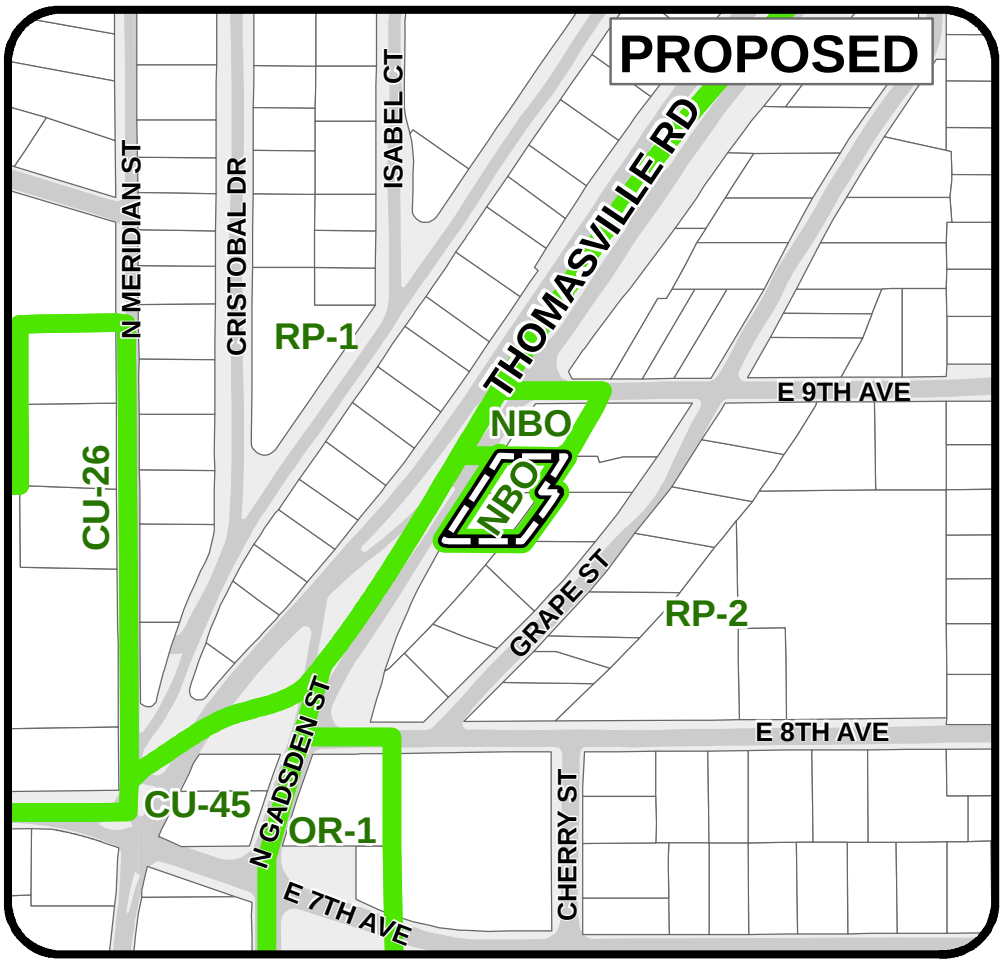
Proposed
Neighborhood Boundary

SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
and
11-30-57-000-0220
(Northwest 22 ft)

ACRES: 0.38 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT





ZONING

Legend

Subject Parcel

zoning

9th Avenue and Thomasville Road PCM130107

City of Tallahassee

Existing

RP-2
(Residential Preservation-2)

Proposed

NBO
(Neighborhood Boundary)

SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
and
11-30-57-000-0220
(Northwest 22 ft)

ACRES: 0.38 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

MAP AMENDMENT #: PCM130107

APPLICANT: City of Tallahassee

TAX ID NO: 11-30-57-000-0120, 11-30-57-000-0130, portion of 11-30-57-000-0220

CITY X COUNTY __

CURRENT DESIGNATION: Residential Preservation

REQUESTED DESIGNATION: Neighborhood Boundary

DATE: ~~January 9, 2013, Updated January 29, 2013~~ Updated March 27, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM130107.

A. SUMMARY:

This is a request to change the Future Land Use Map designation from Residential Preservation to Neighborhood Boundary on two adjoining parcels and a portion of a third adjoining parcel (approximately 0.38 acres) all owned by Marshal Cassedy Jr. and located approximately 100' south of the intersection of 9th Avenue and Thomasville Road.

On September 19, 2012, The City Commission approved a settlement agreement reached by Marshal Cassedy, the Special Master, City staff, and five neighborhood participants. The City Commission also revised the Board of Adjustment and Appeals Previously Existing Land Use Conformity (PELUC) Order to reflect the approved settlement agreement and directed the initiation of this Comprehensive Plan amendment as provided in the settlement agreement.

This is the third time some version of the subject property has been included in a Comprehensive Plan amendment request. The first was initiated by staff in 2006 based on an adjacent request from the former veterinary clinic site, the second was initiated in 2011 by the owner, and this third time was initiated by the City Commission based on the settlement agreement.

The staff recommendation for the Neighborhood Boundary category seeks to balance the historic commercial use of the parcels with protection of the significant residential investment that has occurred in the surrounding area over the past 20 years. **The owner has fully complied with the PELUC Order that reflects the items included in the settlement agreement.**

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. Meets the intent of Neighborhood Boundary as a transition land use intended to protect existing commercial and office uses and adjacent stable and viable residential areas.

~~2. Reinstates, but limits, commercial use designations that were in place prior to the City-wide rezoning in 1992.~~

~~3.~~2. Promotes walkable opportunities for small-scale employment, service opportunities, and housing, in close proximity to residential areas, and subject to mandatory design standards required to promote compatibility with adjacent residential development.

C. APPLICANT'S REASON FOR THE AMENDMENT:

The applicant is the City of Tallahassee. The intent of the proposed land use change is to make the land use and zoning designations more consistent with the long-term use of the property as a business, and to implement the terms of the settlement agreement as part of the Special Master's recommendation approved by the City Commission on September 19, 2012.

D. STAFF ANALYSIS:

Location

These two contiguous parcels and a portion of a third contiguous parcel are located approximately 100' south of the intersection of 9th Avenue and Thomasville Road on the east side of Thomasville Road.

History

The historical zoning atlas indicates the site was in the Automotive Commercial (C-4) zoning district prior to adoption of the Comprehensive Plan in 1990 and the City-wide rezoning in 1992 (Attachment #1). The Planning Department has previously indicated that inclusion of these parcels in the Residential Preservation district appears to have been in error.

This is the third time this property has been subject to a proposed land use and zoning change. The most recent proposed land use and zoning change was considered during the 2012-1 Cycle. A history of the proposed amendments from 1992 through 2012 is presented in Attachment #2. The applicant, who is also the property owner, proposed a land use and zoning change for parcels 11-30-57-000-0120, 11-30-57-000-0130, and 11-30-57-000-0140 to go from Residential Preservation to Neighborhood Boundary. This proposal was denied at the Joint City-County Commission Adoption Public Hearing on June 26, 2012, based in part on complaints brought by neighborhood residents who objected to the continuing use of an adjoining residential lot that provided access to Grape Street, which was temporarily blocked on the day of the Public Hearing.

At the same time this proposed comprehensive plan amendment was being considered, the applicant applied for a Certificate of Previously Existing Land Use Conformity (PELUC) for the properties being considered in the 2012-1 Cycle. A PELUC allows land uses legally established prior to adoption of the Comprehensive Plan on July 16, 1990, but made non-

conforming by the adoption of the Plan, to be certified as legally conforming. A PELUC allows a property owner to continue the present use of the property although the land use and zoning codes would not allow this use, and to also rebuild any structures to their existing form and use if they are more than 50 percent destroyed.

Based on direction given to staff by the Long Range Target Issue Committee on November 30, 2011, the City Commission voted on March 14, 2012 to waive the fees for a PELUC application addressing the two parcels upon which the hair salon and its adjacent parking area are located. The PELUC application was submitted to the City by the owner of the subject parcels. The Tallahassee – Leon County Board of Adjustments and Appeals (BOAA) reviewed this application at their regular meeting on April 12, 2012, and then voted unanimously to approve the PELUC with the following conditions:

1. That an 8 foot high opaque fence be erected along the rear property line of the site to buffer the adjacent residential lots from the hair salon; prevent use of the adjacent residential lot for parking; and prevent vehicular access across the residential lot;
2. That a fence or barrier be constructed along the southern property line to ensure containment of the use to the site.
3. That a unity of title uniting the lots be recorded and recognized by the Leon County Property Appraiser's office.
4. That changes to the parking lot and spaces resulting from the buffer fence installation be consistent with current code requirements.
5. That the existing dumpster be relocated consistent with current code requirements.
6. That the sign on Grape Street be removed.
7. That all conditions be completed within 30 days of the recording of the certificate.

On May 24, 2012, the applicant submitted a Request for Relief from the PELUC mitigation measures that halted the implementation time period for the PELUC. On September 7, 2012, Mr. Cassedy, his attorney, and his planner met with the Special Master, City staff, and five neighborhood participants to discuss the challenge. At the end of the meeting, the parties reached a settlement agreement as part of the Special Master's recommendation.

On September 19, 2012, this settlement agreement was reviewed by the City Commission with a staff recommendation to approve the agreement through a City Commission order and revising the PELUC Order consistent with the agreement. The settlement agreement and City Commission order was approved at that meeting, and the BOAA PELUC Order was revised and recorded in the public records of Leon County (Attachment #3).

The September 19, 2012 agenda item also included a request on behalf of Marshall Cassedy, the property owner, that the City Commission initiate a Comprehensive Plan amendment to change the Future Land Use Map designation to Neighborhood Boundary and the zoning to Neighborhood Boundary Office on a portion of the Grape Street residential lot shown in the settlement agreement, and on the two parcels used by the hair salon. This request was approved by the Commission at that meeting.

Subsequently, the Planning Department completed an application for the 2013-1 Comprehensive Plan amendment cycle on October 1, 2012 to change the Future Land Use Map category and zoning on Lots 12 and 13 and the portion of Lot 22, Hiway Park Subdivision, as provided in the settlement agreement.

On December 3, 2012, the City's Growth Management Department issued a Notice of Violation (NOV) to Mr. Cassedy based on the lack of progress on meeting the conditions of the Settlement Agreement as outlined in the PELUC Order. As of January 17, 2013, Mr. Cassedy was determined by the City Attorney's Office to have adequately met the requirements of the PELUC order. The NOV has subsequently been administratively dismissed.

Existing Land Use, Future Land Use Designation, and Zoning

Land Use

A hair salon is located on the northernmost parcel. A parking area for the salon is located on the adjacent parcel. That portion of the third parcel under consideration is used as part of the parking area.

Thomasville Road runs along the west side of the parcel. The property immediately north of the subject properties is an empty office building that used to be a veterinarian hospital, and the properties to the north (across 9th Ave.) and east of the site are single-family residential. A vacant lot immediately east of the hair salon previously provided vehicular access to Grape Street, but it has been blocked by a fence that sits approximately 22' east of the easternmost property line. That portion of this property that is west of the newly-installed fence is part of the subject properties under consideration for a proposed land use and zoning change.

Land Use Designation

The subject properties are currently designated Residential Preservation (RP) on the Future Land Use Map. The RP land use category is characterized by existing homogeneous residential areas within the community predominantly accessible by local streets. The primary function of this category is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions.

Future development primarily will consist of infill due to the built out nature of the areas. Commercial, office, and industrial land uses are prohibited. Future arterial and/or expressways should be planned to minimize impacts within this category. Single family, townhouse and cluster housing may be permitted within a range of up to six units per acre. Consistency with surrounding residential type and density shall be a major determinant in granting development approval.

Zoning

The subject properties are currently zoned Residential Preservation 2 (RP-2). The RP-2 Zoning District is intended to apply to residential development in areas designated "Residential Preservation" on the Future Land Use Map, preserving the low density residential character of single-family, two-unit townhouse, and duplex residential development, protecting from incompatible land uses, and prohibiting densities in excess of

six (6.0) dwelling units per acre. RP-2 zoning also allows passive and active recreation, community services, and light infrastructure. The RP-2 zoning would allow 1 dwelling unit on each of the three subject properties.

Proposed Future Land Use Designation and Zoning

Proposed Land Use Designation

This amendment proposes to change the Comprehensive Plan Future Land Use Map designation on the subject property from Residential Preservation to Neighborhood Boundary. The intent of this land use category is to create a transition area between residential development and more intensive development such as multi-family and non-residential development, while still preserving roadway capacity through access management practices. This category is limited to properties adjacent to existing and future residential neighborhoods and on roads with high traffic volumes. For properties located at an arterial/local, arterial/major collector, or arterial/minor collector intersection, non-residential development must front the arterial road. The land development regulations also specify specific vehicular access.

Allowable uses in areas designated NB include:

- Low-density residential, including duplexes, townhomes, triplexes, and quadraplexes; and
- Non-residential development scaled to serve the surrounding neighborhood such as limited retail, offices, bed and breakfast inns and community services. Auto-oriented uses, such as gas stations or any other use having drive-through facilities, are not allowed in order to protect neighborhoods from any negative impacts associated with increased vehicular traffic.

The maximum density limit is eight (8) dwelling units per acre. Mandatory design standards for new development, which are embedded in the NBO zoning regulations, are intended to promote compatibility with adjacent residential development. These design standards address roof styles, building scale, color, exterior building materials, front setbacks, architectural style, buffering, landscaping, solid waste disposal, parking, lighting, and signs.

Proposed Zoning

The applicant has requested Neighborhood Boundary Office (NBO) zoning for the subject properties. The Neighborhood Boundary Office (NBO) district is intended to be located in areas designated as Neighborhood Boundary on the Future Land Use Map of the Comprehensive Plan and shall apply to areas located on the edges of existing or planned single-family attached and detached residential neighborhoods fronting arterial and collector roadways.

The NBO district is intended to provide minor office opportunities serving the immediate area and higher intensity residential land uses while providing a transition between the residential development and more intensive development, and to preserve roadway capacity through appropriate access management. The intent of these access management requirements is to reduce access points along the roadway system, provide interconnectivity

between non-residential developments (within this land use category), and encourage convenient walk-to work opportunities in close proximity to the residential areas it will serve.

The NBO district cannot be applied to the interior of an existing neighborhood, nor in areas designated as Lake Protection on the Future Land Use Map of the Comprehensive Plan. It is not intended to accommodate large scale office development. Personal services (including hair salons), medical clinics, bail bonds, and payday loan offices are prohibited.

In addition, the NBO district shall not exceed 350 feet in depth parallel to the arterial or collector roadway in which it fronts or one (originally) platted lot whichever is less. The maximum gross density allowed for new residential development in the NBO district is eight (8) dwelling units per acre.

Multimodal Transportation District and Neighborhood Boundary Office Zoning

In 2007, the Planning Department began the process of developing the Multimodal Transportation District (MMTD). The MMTD is an 18-square mile area (Attachment #4) that encompasses the downtown and surrounding areas of Tallahassee. It is intended to help create a more compact, pedestrian-oriented mixture of neighborhoods and commercial center, allowing independence to those who do not drive; an interconnected network of roadways designed to disperse traffic and reduce the length of automobile trips; and neighborhoods with a range of housing types to accommodate diverse ages and incomes.

The MMTD, also known as the Mobility District, was adopted in 2009, and its implementing development code was adopted in 2011. Compatibility is one of the main goals in creating a successful mix of land uses, and it incorporates many features found in the development standards that are part of NBO.

As stated in Section 10-266 of the City's Land Development Code addressing the NBO zoning district, the development standards for properties located within the MMTD are established within Division 4 (MMTD Development Standards) of this Code. The subject properties are located within the MMTD.

The NBO zoning district intent and permitted uses established under Section 10-266 are not affected by the MMTD Code. However, there are several differences between development standards under the ~~former~~ NBO code and those under that part of the MMTD code that addresses all properties within the MMTD area. Differences and conflicts in code are guided by Section 1-2 of the City's Land Development Code. This section states that when two regulations conflict, the more restrictive shall apply. In the case of NBO zoning and the MMTD overlay, MMTD regulations are intended to apply. However, the building height restriction in NBO allows only two stories, while MMTD allows three stories. Based on Section 1.2, the two-story NBO height limit prevails because it is more restrictive. Other provisions in the NBO code not addressed in the MMTD remain in force unless there are other ordinances, regulations, and standards that expressly supersede the zoning code.

Commonalities and differences between the two development standards are briefly summarized in the following points:

1. Building setbacks are mostly similar.
2. Buffers are required in NBO for townhomes (single-family attached) and minor office uses developed adjacent to existing single-family (detached). An additional, narrower

option is available in the MMTD, but buffers are only required for non-residential uses only.

3. The maximum height under MMTD for principal buildings is three stories, whereas under NBO it was two stories. However, RP also allow 35 feet high (3-story) structures~~, which is why the MMTD code allows 3~~.
4. The maximum building size for non-residential structures is mostly similar.
5. Building orientation requirements are mostly similar.
6. Lighting standards are similar, but there are additional requirements under MMTD.
7. Street access and interconnections are mostly similar.
8. Fencing and/or screening are mostly similar.
9. Compatibility requirements under NBO were intended to provide a unified sense of place, a pedestrian scale, and design that reflects the general character and scale of typical residential structures in adjacent neighborhoods. MMTD compatibility requirements for structures adjacent to low-density neighborhoods address building height, including requiring setbacks.
10. Signage requirements are mostly similar. However, there are several additional restrictions under NBO.
11. ~~Several~~ N~~n~~oise, business hours, and solid waste limitations ~~and other requirements~~ exist in ~~the~~ NBO ~~zoning district~~ that are not present under that portion of the MMTD which addresses areas zoned as NBO. However, these provisions remain enforceable where there are no conflicts with any other regulations.

A comparison of development standards in Section 10-266 and Division 4 is attached to this report (Attachment #5).

E. ENVIRONMENTAL FEATURES & IMPACT ON INFASTRUCTURE:

Environmental Features

The subject properties are located within the Lake Lafayette drainage basin. County environmentally sensitive area maps indicate the presence of significant grades on small portions of the subject properties. No other known environmentally sensitive features are identified onsite.

Water/Sewer

City centralized water and sewer services presently are connected to the subject properties.

Roadways

Roadway:	Thomasville Road
Adopted Level-of-Service:	E
Functional Classification:	Principal Arterial
Available Capacity:	Functioning over capacity.

The subject properties are already in use commercially, and a change in use will not adversely impact the roadway capacity. The subject properties are located within the Multimodal Transportation District.

The MMTD is established in the Mobility Element by Policy 1.1.9., and extends out to Bradford and Betton roads north of Mid-town. The purpose of the MMTD is to promote walking, bicycling, and transit use in order to reduce dependence on the automobile. (Roadways and associated rights-of-way shown as boundaries for the MMTD are considered part of the MMTD.)

Policies in the MMTD call for land uses that provide appropriate densities, intensities and mixture of land uses to support 18-hour activity and multimodal transportation based on land use mix targets and to facilitate walking and bicycling as an alternative to driving. Transit is a component of the MMTD where redevelopment in the urban center is encouraged to have 10 minute headways for buses.

Urban design standards to encourage energy efficiency and livability include pedestrian oriented blocks, easy access transit stops, compatibility measures between land uses, transparency of uses, use of sidewalks, and parking standards to discourage single-occupancy vehicles. Transit commitments and requirements for "complete streets" are part of the MMTD.

Transit Availability:

The subject properties are located on the "Dogwood" StarMetro route and approximately 200' from the "Gulf" route.

Bicycle/Pedestrian Facilities Availability:

Thomasville Road has a sidewalk on the east side of the road next to the subject properties.

School Information:

The site is zoned for Sullivan Elementary, Cobb Middle School, and Leon High School. The potential impact on available public school capacity is illustrated in the following table:

School Name	Sullivan Elementary	Cobb Middle	Leon High
Potential Students Generated	2	1	1
Present Capacity	83	159	24
Post Development Capacity	81	158	23

The table above depicts preliminary calculations provided by School Board staff based on the maximum residential development allowed under the requested future land use category. Final school concurrency calculations will be conducted in the future when a site plan for proposed development is submitted.

F. VESTED / EXEMPT STATUS: None.

G. MAJOR PLANNING ISSUES:

Applicability of the Existing Residential Preservation Category

The primary function of the Residential Preservation category is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions. Criteria measuring the stability and viability of residential areas include:

- Degree of existing land uses that are residential.
- Locality of automotive traffic.
- Predominance of residential uses fronting on local streets.
- Relatively safe internal mobility.
- Densities generally of six units per acre or less.
- Presence of sidewalks.
- Existing residential type and density exhibiting relatively homogeneous patterns.
- Degree of home ownership.
- Existence of neighborhood organizations.
- Degree of owner-occupied residential units.
- Little or no history of rezoning.

A previous study of this area by Planning staff to evaluate the viability and stability of residential uses found that the residential area meets a majority of the evaluative criteria, whereas the subject properties meet approximately half of the criteria for inclusion in Residential Preservation.

Traffic Issues in the Surrounding Area

Several transportation issues are associated with the subject site. A significant volume of traffic passes by the subject parcels on Thomasville Road, and there have been several speeding and cut-through issues in the residential area east of the subject parcels. City Public Works staff have begun discussions of potential options for addressing traffic engineering issues in this part of Mid-town, including the area where traffic on Gadsden Street going north merges onto Thomasville Road just north of 9th Avenue. However, at this time, there are no firm plans that have been established, and no funding is currently designated for any related capital improvements in this area.

Staff recommends that local government move forward first with a decision regarding the appropriate Future Land Use designation in order to appropriately address existing transportation design issues.

Local Planning Agency Review

The Local Planning Agency (LPA) reviewed this proposed amendment at its workshop on January 17, 2013. LPA members asked about the safety issues associated with access to the subject properties from Thomasville Road, including both southbound and northbound. Staff's response was that Thomasville Road is under the responsibility of the Florida Department of Transportation (FDOT), and that the City's Public Works Department is continuing to coordinate with FDOT to address these and other safety and access issues along this roadway.

H. CONCLUSION:

Based on the above data and analysis, Planning Department staff recommends approval of the amendment request for the following reasons:

1. Meets the intent of Neighborhood Boundary as a transition land use intended to protect existing commercial and office uses and adjacent stable and viable residential areas.

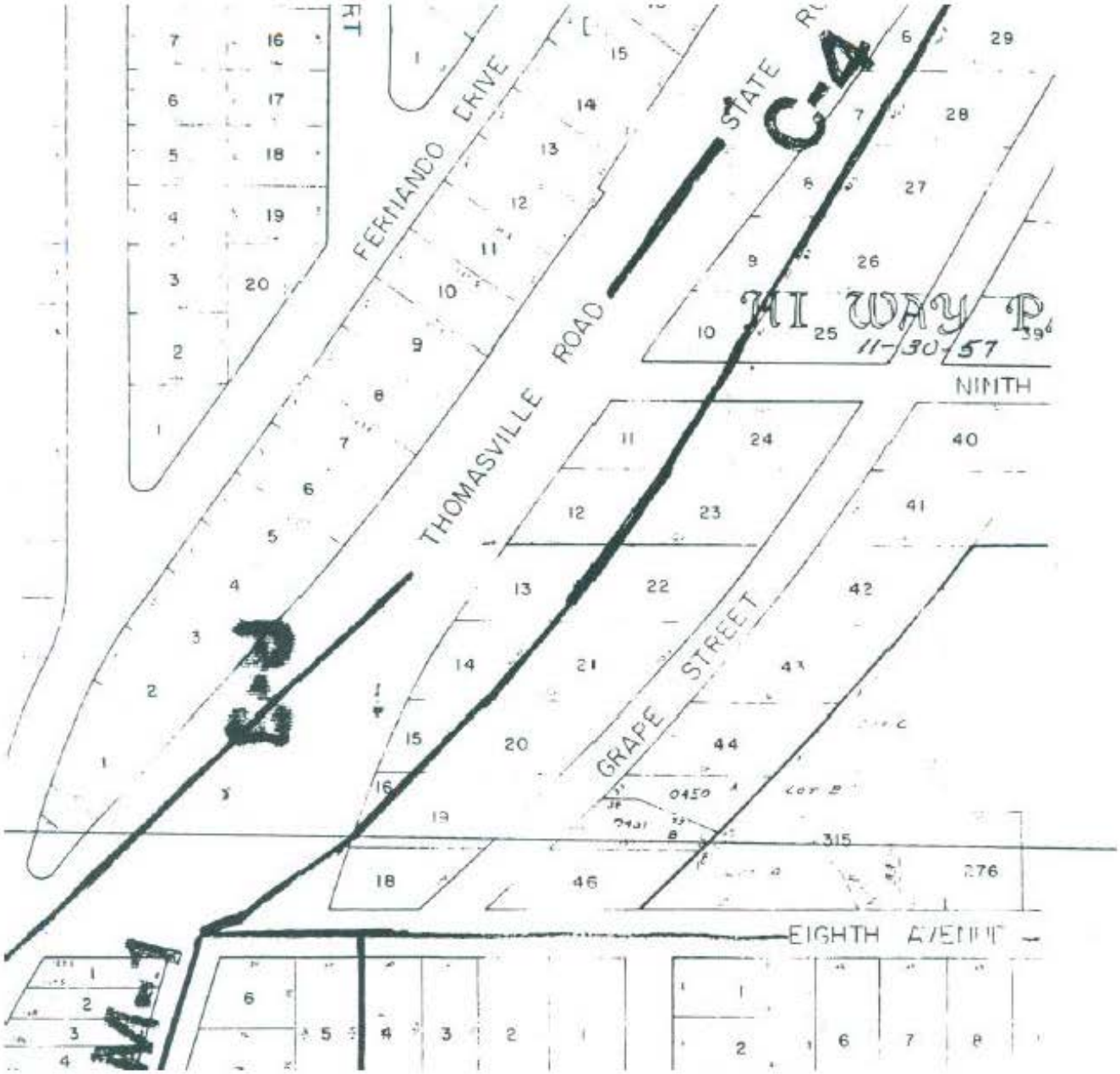
~~2. Reinstates, but limits, commercial use designations that were in place prior to the City-wide rezoning in 1992.~~

~~3.~~2. Promotes walkable opportunities for small-scale employment, service opportunities, and housing, in close proximity to residential areas, and subject to mandatory design standards required to promote compatibility with adjacent residential development.

I. ATTACHMENTS

Attachment #1: Historic Zoning Map
Attachment #2: History
Attachment #3: PELUC Order
Attachment #4: MMTD Map
Attachment #5: Comparison of Development Standards in Section 10-266 and Division 4 of the City's Land Development Code

Historic Zoning (Pre-1990)



History

Zoning History

Pre 1990:	C-4 Zoning (Automotive Commercial) consistent with Comprehensive Plan.
July 1990:	New Comprehensive Plan adopted and FLUM became Residential Preservation with C-4 Zoning.
March 1992:	City wide rezoning to implement the Comprehensive Plan, zoning on site changed to RP-2 (Residential Preservation-2). The zoning has remained unchanged since 1992.

Ownership History

March 1997:	Mr. Cassedy purchased parcel 1130570000120 (existing hair salon building).
April 1997:	Mr. Cassedy purchased parcels 1130570000130 and 1130570000220 (parking lot and Grape Street access).
July 2004:	Mr. Cassedy purchased parcel 1130570000140 (southern forested triangle).

2007-1 Proposed Comprehensive Plan Amendment History

July 2006:	Allied Veterinarian Services applied for a Comprehensive Plan amendment to parcel 1130570000110 (corner of 9th and Thomasville).
August 2006:	Staff recommended changing the Future Land Use Map designation of the Allied Veterinarian Services parcel and three parcels owned by Mr. Cassedy from Residential Preservation to Suburban with Office Residential 1 (OR-1) zoning.
October 2006:	Local Planning Agency (LPA) voted 2-2 to deny this amendment. LPA members stated the amendment was denied due to the overall need for residential vs. commercial in the area and to promote the success of the area as a stable and affordable neighborhood that requires protection by the Comprehensive Plan provisions for neighborhood protection.
February 1, 2007:	City Commission transmitted a compromise plan between Allied Veterinarian Services and the Mid-Town Neighborhood Association to change the parcel just north of the parcels owned by Mr. Cassedy to Neighborhood Boundary. The Neighborhood Association and Mr. Cassedy did not agree to a mutually acceptable Future Land Use designation and zoning category for his three parcels. The motion passed at this meeting is included below *"On behalf of the City, City Commissioner Lightsey moved to act only on the applicant's property and try to work with the compromise and prohibit the interconnection, recognizing the obligation to move forward to study*

what would happen on the other three parcels because something viable must be allowed on that property. City Commissioner Katz seconded the motion."

April 4, 2007: Based on the direction provided at the February 1, 2007 Transmittal Hearing, Planning staff provided an implementation plan to the Long Range Target Issues Committee (LRTIC) that addressed the 1) FLUM designation on the Allied Veterinarian Services site, 2) prohibition of interconnection, and 3) moving forward with a traffic study for the parcels owned by Mr. Cassedy. Planning staff was directed to continue moving forward with the ordinances needed to address items 1 and 2. Commissioners also provided the following directions:

- Provide a traffic accident rate study at the merging intersection of Thomasville Road and Gadsden Street.
- Provide a speed study and traffic count.
- Need to determine the safety issue first and then address the land use issue.

May 8, 2007: City Commission approved the Comprehensive Plan amendment to Neighborhood Boundary on the Allied Veterinarian Services site (4-0).

May 10, 2007: The LRTIC engaged in a brief discussion with Public Works staff regarding traffic safety near 9th Avenue and Thomasville and directed staff to provide further information regarding safety, compatibility and development within this intersection. The item was scheduled to return in June 2007

May 23, 2007: City Commission approved an ordinance to amend the Neighborhood Boundary Office zoning district to address compatibility with adjacent residential uses. This included the prohibition of interconnection issue identified at the February 1, 2007 Transmittal Hearing.

June 6, 2007: LTRTIC meeting canceled and items continued to July.

July 2, 2007: LRTIC did not accept Public Works recommendations for structural changes to modify traffic patterns near the property owned by Mr. Cassedy. Additionally, the LRTIC did not direct staff to file a Comprehensive Plan amendment on behalf of Mr. Cassedy. The Planning Department had no pending action items after this meeting.

Nov. 30, 2011: The LRTI Committee met on Wednesday, November 30, 2011. The Committee directed staff to:

1) Prepare an agenda item for the City Commission requesting a waiver of the fees associated with a Certification of Previously Established Land Use Conformity (PELUC) for the two parcels upon which the hair salon and its adjacent parking area are located.
2) Do not request a waiver of the comprehensive plan amend fees.
3) Do not have the City Commission initiate the Comprehensive Plan amendment.
4) Try to address the issue of parking and access via the parcel fronting on Grape Street.
5) Try to address what could be done with the parcels if joined by a unity of title.

March 14, 2012: City Commission voted on to waive the fees for a PELUC application addressing the two parcels upon which the hair salon and its adjacent parking area are located.

April 12, 2012: Tallahassee – Leon County Board of Adjustments and Appeals (BOAA) reviewed this application at their regular meeting on April 12, 2012. The BOAA voted unanimously to approve the PELUC with conditions.

May 24, 2012: Marshall Cassedy submitted a Request for Relief from the PELUC mitigation measures that halted the implementation time period for the PELUC.

June 26, 2012 Second proposed land use and zoning change for parcels 11-30-57-000-0120, 11-30-57-000-0130, 11-30-57-000-01402012-1 was denied at the Cycle 2012-1 Joint City-County Commission Adoption Public Hearing based in part on complaints brought by neighborhood residents who objected to the continuing use of an adjoining residential lot that provided access to Grape Street, which was temporarily blocked only on the day of the Public Hearing.

September 7, 2012: Mr. Cassedy, his attorney, and his planner met with the Special Master, City staff, and five neighborhood participants to discuss the challenge. At the end of the meeting, the parties reached a settlement agreement as part of the Special Master's recommendation.

September 19, 2012: The settlement agreement was reviewed and approved by the City Commission, who issued an order accepting the settlement agreement and revising the PELUC Order consistent with the settlement agreement.

The City Commission also initiate a Comprehensive Plan amendment to change the Future Land Use Map designation to Neighborhood Boundary and the zoning to Neighborhood Boundary Office on a portion of the Grape Street residential lot shown in the settlement agreement, and on the two parcels used by the hair salon.

October 1, 2012: The Planning Department completed an application for the 2013-1 Comprehensive Plan amendment cycle on to change the Future Land Use Map category and zoning on Lots 12 and 13 and the portion of Lot 22, Hiway Park Subdivision, as provided in the settlement agreement.

December 3, 2012: City Growth Management Department issued a Notice of Violation (NOV) to Mr. Cassedy based on the lack of progress of on meeting the conditions of the Settlement Agreement as outlined in the PELUC Order.

20120069149 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 4427 PG: 1366,
10/10/2012 at 02:34 PM, BOB INZER, CLERK OF COURTS

TALLAHASSEE-LEON COUNTY
BOARD OF ADJUSTMENT AND APPEALS
AS REVISED BY THE CITY COMMISSION
SEPTEMBER 19, 2012
PURSUANT TO A SPECIAL MASTER PROCEEDING

Marshall R. Cassedy, Jr.,
Applicant

CASE NO. TVA120005

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING A PREVIOUSLY ESTABLISHED LAND USE CONFORMITY CERTIFICATE

This case came for public hearing before the Tallahassee-Leon County Board of Adjustment and Appeals on April 12, 2012 on the request of the Petitioner for a Previously Established Land Use Conformity (PELUC) Certificate pursuant to Section 10-105 of the City of Tallahassee Land Development Code. The Board having heard testimony and received evidence, and being otherwise fully advised in the premises, issues its findings of fact, conclusions of law, and order in this case as follows:

FINDINGS OF FACT

1. That Marshall R. Cassedy, Jr, is the owner of the subject property and was served notice of these proceedings.

2. That notice was given at least five (5) calendar days in advance of the hearing to the general public by publication in a newspaper of regular and general circulation in Tallahassee and Leon County on April 2, 2012 and to 26 owners of property within two hundred feet of the subject property by written notification, and that the property was posted in accordance with Section 2-164(2) (Posting of property required), *TLDC.*

3. That the subject property of these proceedings is identified by Leon County tax parcels # 11-30-57-000-0120 & 11-30-57-000-0130 and is located at 1447 Thomasville Road, Tallahassee, Florida.

4. That the zoning of the property on which the current hair salon use is located is RP-2, a residential zoning district. The RP-2 zoning was instituted in 1992 and hair salons are not permitted in this zoning district.

5. That the hair salon use was established as a legal use and was in existence on July 16, 1990.

6. The waiver provisions requested by this application to the Board of Adjustment and Appeals are for an existing nonconforming land use, and is not for the waiver of any other development standards or criteria contained within the City of Tallahassee land development ordinances and regulations.

UNOFFICIAL DOCUMENT

7. The subject hair salon use is classified as neither Heavy Infrastructure nor Heavy Industrial use.

CONCLUSIONS OF LAW

The Board of Adjustment and Appeals determined that the subject property is consistent with Land Use Policy 1.5.1 of the 2010 Comprehensive Plan and Section 10-105 of the City of Tallahassee Land Development Code based on the following:

1. The impact of the subject property's nonconformity is minimal upon surrounding land use and is not detrimental to the health, safety and welfare.

2. The subject property meets the requisite criteria in the City of Tallahassee Land Development Code for issuance of a PELUC Certificate.

3. The subject property's nonconforming status was occasioned by the change in zoning classification exclusively, and not through the actions of the Petitioner.

ORDER

Based upon the findings of fact, conclusions of law, and pursuant to Ordinance 94-O-0024, by Motion and duly seconded, which carried by a vote of 6 in favor to 0 opposed, it is hereby ORDERED:

1. That a Previously Established Land Use Conformity (PELUC) Certificate be issued to the Petitioner with the following conditions:

   a. That an 8 foot high opaque fence be erected east of the rear property line of Lot 13, as shown on Exhibit A attached hereto and made a part hereof, to: buffer the remainder of the adjacent residential lot east of the fence ("adjacent residential lot") from the hair salon; prevent use of the adjacent residential lot for commercial parking; and prevent vehicular access across the residential lot to the commercial site.
   b. That a fence or barrier be constructed along the southern property line to ensure containment of the nonconforming use to the site.
   c. That a unity of title uniting the two lots identified above in Finding of Fact #3 be recorded and recognized by the Leon County Property Appraiser's office.
   d. That changes to the parking lot and spaces for the hair salon resulting from the buffer fence installation be consistent with current code requirements.
   e. That the existing dumpster be relocated consistent with current code requirements.
   f. That the off-site directional sign on Grape Street for the hair salon be removed.
   g. That all conditions be completed within 30 days of the recording of the certificate.

REVISED BY ACTION OF THE CITY COMMISSION PURSUANT TO CITY COMMISSION POLICY 414, SPECIAL MASTER PROCEEDINGS, ON WEDNESDAY, SEPTEMBER 19, 2012.

DONE AND ORDERED this 5TH day of OCTOBER, 2012, nunc pro tunc, September 19, 2012.

UNOFFICIAL DOCUMENT

TVA120005
Page 3

Tallahassee-Leon County
Board of Adjustment and Appeals

By: Jay Bostwick
Jay Bostwick, Chair

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 5th day of October, 2012 by Jay Bostwick, Chair of the Tallahassee-Leon County Board of Adjustment and Appeals, who is personally known to me and who did take an oath.

TAMMY MARIE JIMENEZ
Commission # DD 855564
Expires May 19, 2013
Bonded Thru Troy Fain Insurance 800-385-7019

NOTARY PUBLIC STATE OF FLORIDA

Sign: Tammy Marie Jimenez

My Commission Expires: 5-19-2013

Approved as to form and legal sufficiency:

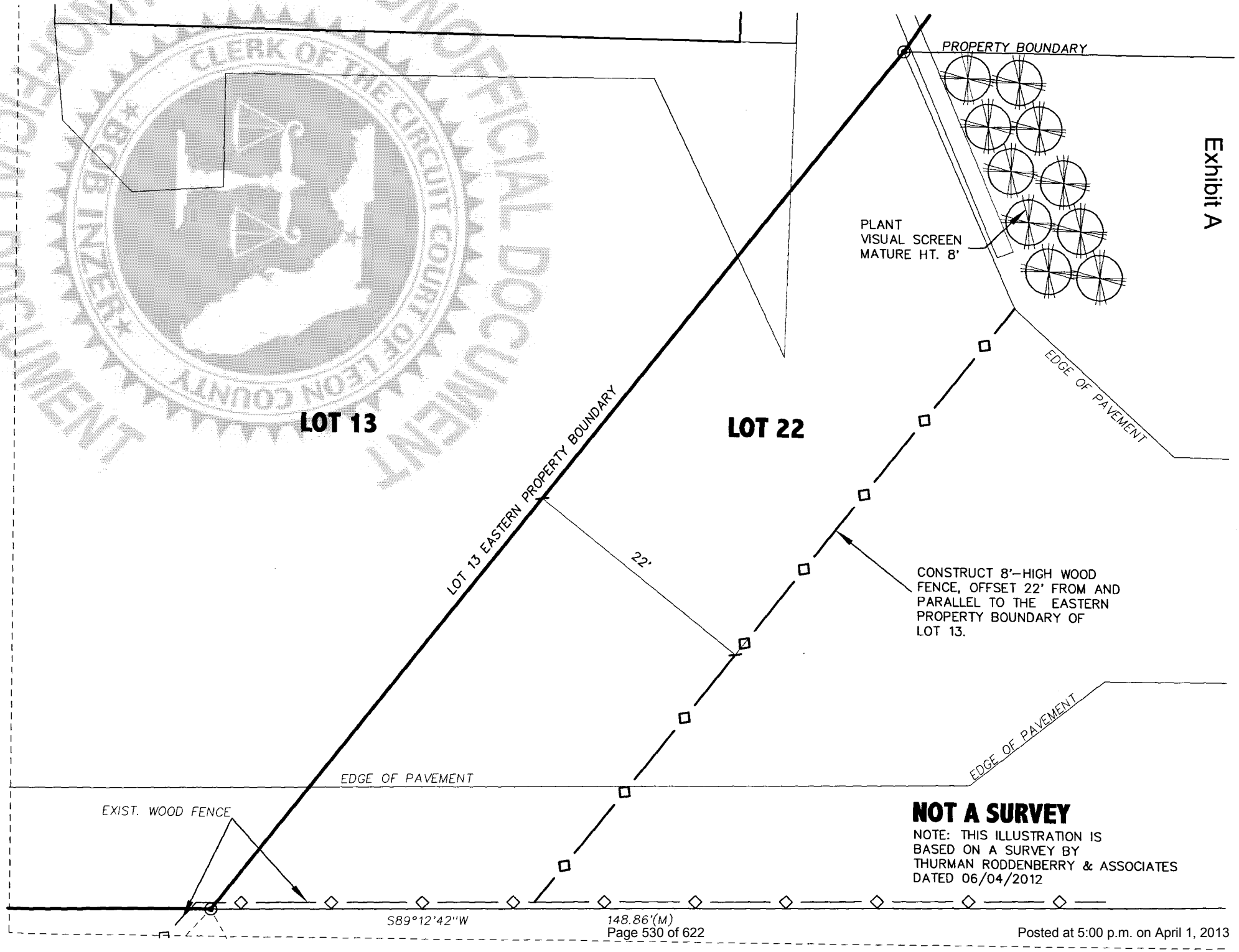
Roosevelt Randolph, Board legal counsel.

Filed in the City of Tallahassee official records on: 10-5-2012

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT OF LEON COUNTY
BOB INZER

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT
BENTON COUNTY

Exhibit A

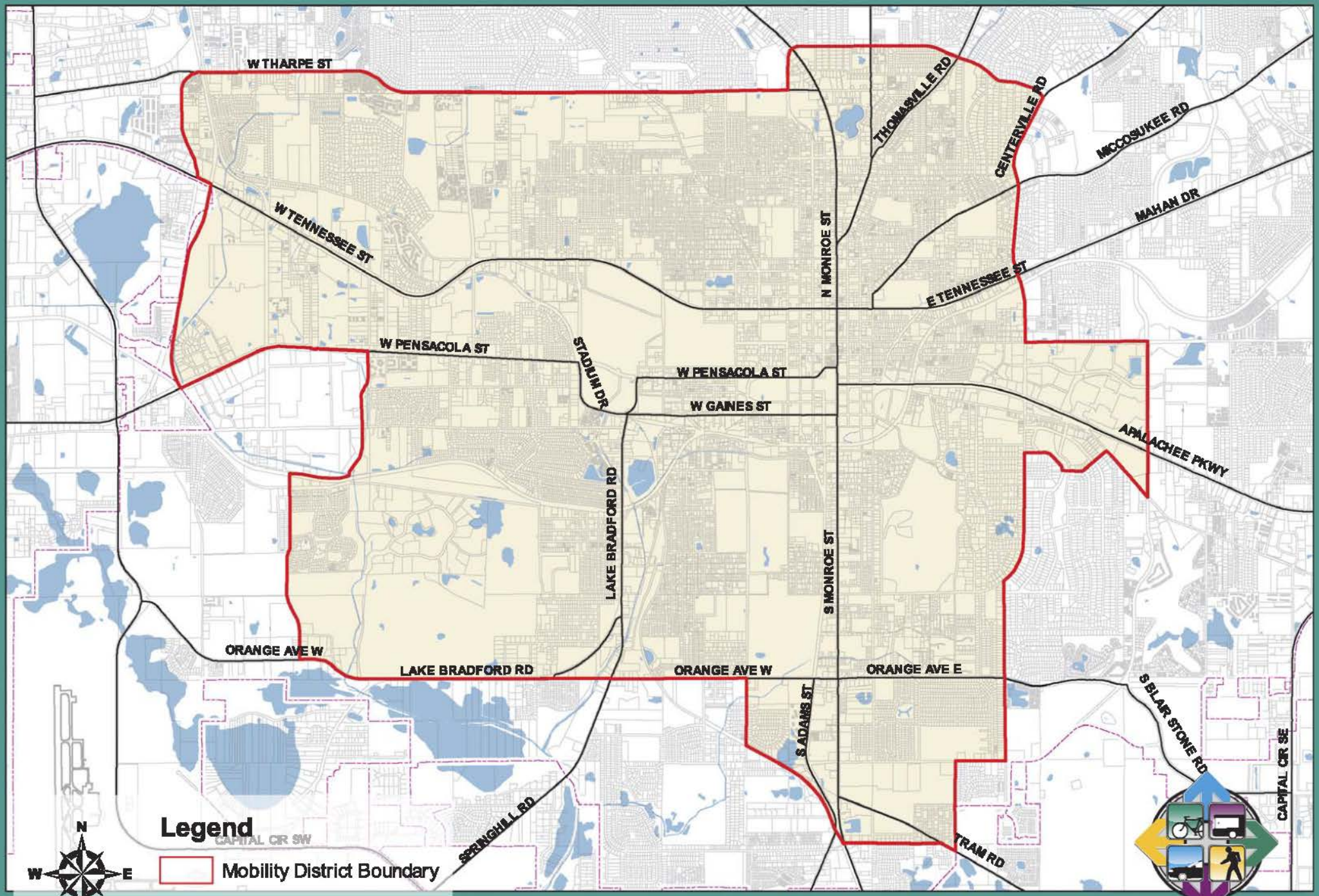


NOT A SURVEY

NOTE: THIS ILLUSTRATION IS BASED ON A SURVEY BY THURMAN RODDENBERRY & ASSOCIATES DATED 06/04/2012

Posted at 5:00 p.m. on April 1, 2013

MOBILITY DISTRICT



TALLAHASSEE/LEON COUNTY
MOBILITY DISTRICT

Multimodal Transportation District

In 2007, the Planning Department began the process of developing the Multimodal Transportation District (MMTD). The MMTD is an 18-square mile area (Attachment #3) that encompasses the downtown and surrounding areas of Tallahassee. It is intended to help create a more compact, pedestrian-oriented mixture of neighborhoods and commercial center, allowing independence to those who do not drive; an interconnected network of roadways designed to disperse traffic and reduce the length of automobile trips; and neighborhoods with a range of housing types to accommodate diverse ages and incomes.

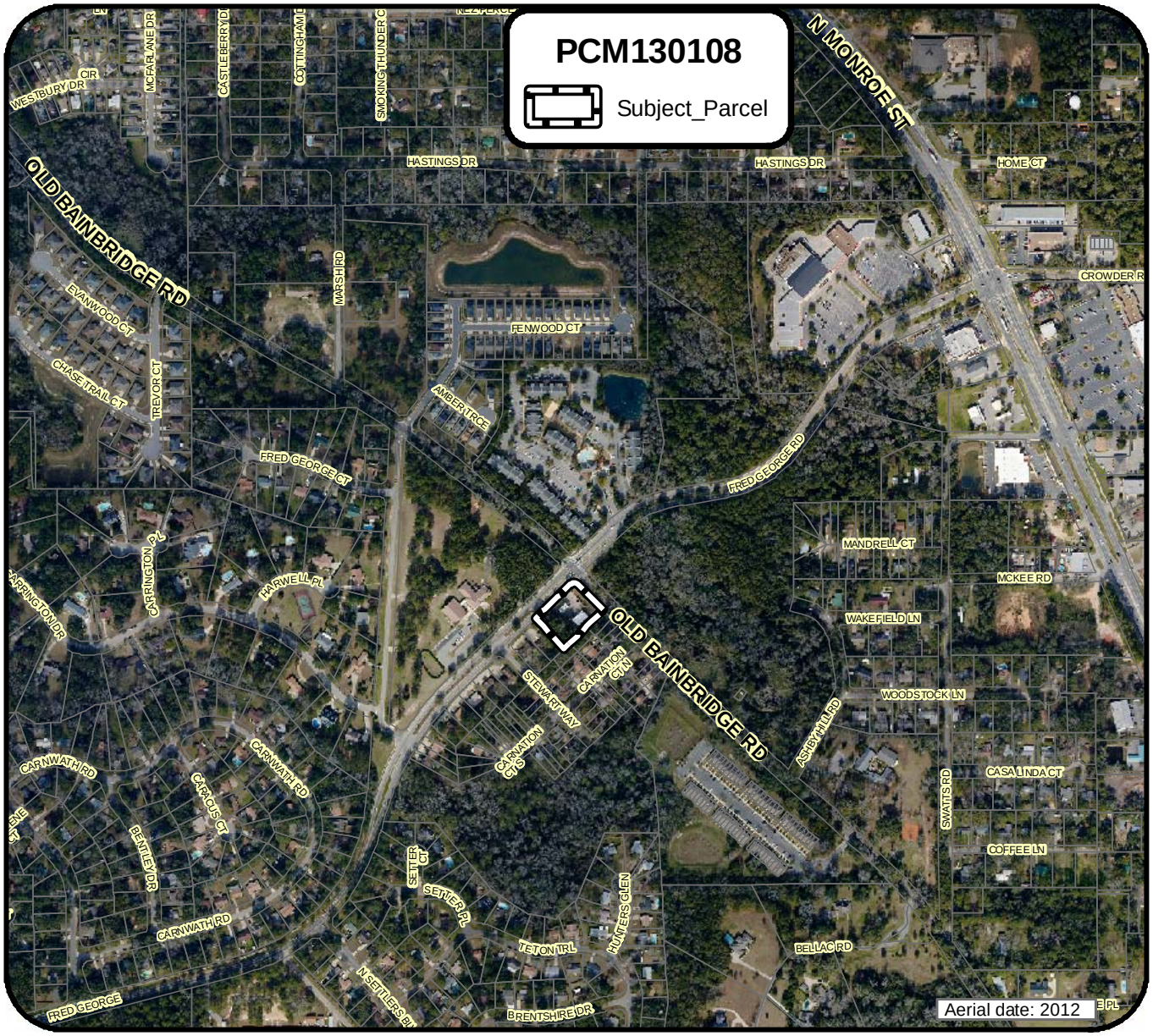
The MMTD, also known as the Mobility District, was adopted in 2009, and its implementing development code was adopted in 2011. Compatibility is one of the main goals in creating a successful mix of land uses, and it incorporates many features found in the development standards that are part of NBO.

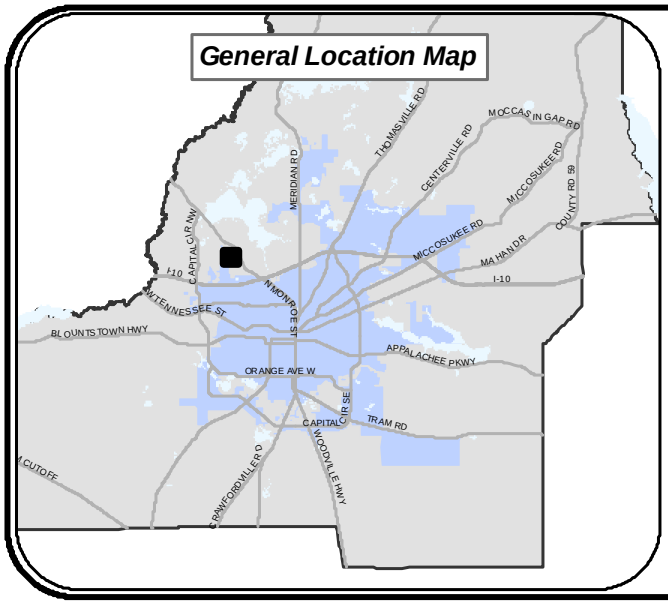
As stated in Section 10-266 of the Cityôs Land Development Code addressing the NBO zoning district, the development standards for properties located within the MMTD are established within Division 4 (MMTD Development Standards) of this Code. The subject properties are located within the MMTD.

The NBO zoning district intent and permitted uses established under Section 10-266 are not affected by the MMTD Code. However, there are several differences between development standards under the former NBO code and those under that part of the MMTD code that now addresses properties zoned NBO. Commonalities and differences between the two development standards are briefly summarized in the following points:

1. Building setbacks are mostly similar.
2. Buffers are required in NBO for townhomes (single-family attached) and minor office uses developed adjacent to existing single-family (detached). An additional, narrower option is available in the MMTD, but buffers are only required for non-residential uses only.
3. The maximum height under MMTD for principal buildings is three stories, whereas under NBO it was two stories. However, RP also allow 35 feet high (3-story) structures, which is why the MMTD code allows 3.
4. The maximum building size for non-residential structures is mostly similar.
5. Building orientation requirements are mostly similar.
6. Lighting standards are similar, but there are additional requirements under MMTD.
7. Street access and interconnections are mostly similar.
8. Fencing and/or screening are mostly similar.
9. Compatibility requirements under NBO were intended to provide a unified sense of place, a pedestrian scale, and design that reflects the general character and scale of typical residential structures in adjacent neighborhoods. MMTD compatibility requirements for structures adjacent to low-density neighborhoods address building height, including requiring setbacks.
10. Signage requirements are mostly similar. However, there are several additional restrictions under NBO.
11. There are several noise, business hours, and solid waste limitation and other requirements in NBO that are not present under MMTD.

A comparison of development standards in Section 10-266 and Division 4 is attached to this report.





Fred George and Old Bainbridge Road PCM130108

City of Tallahassee

SITE TAX ID#
21-09-47-000-0010

N
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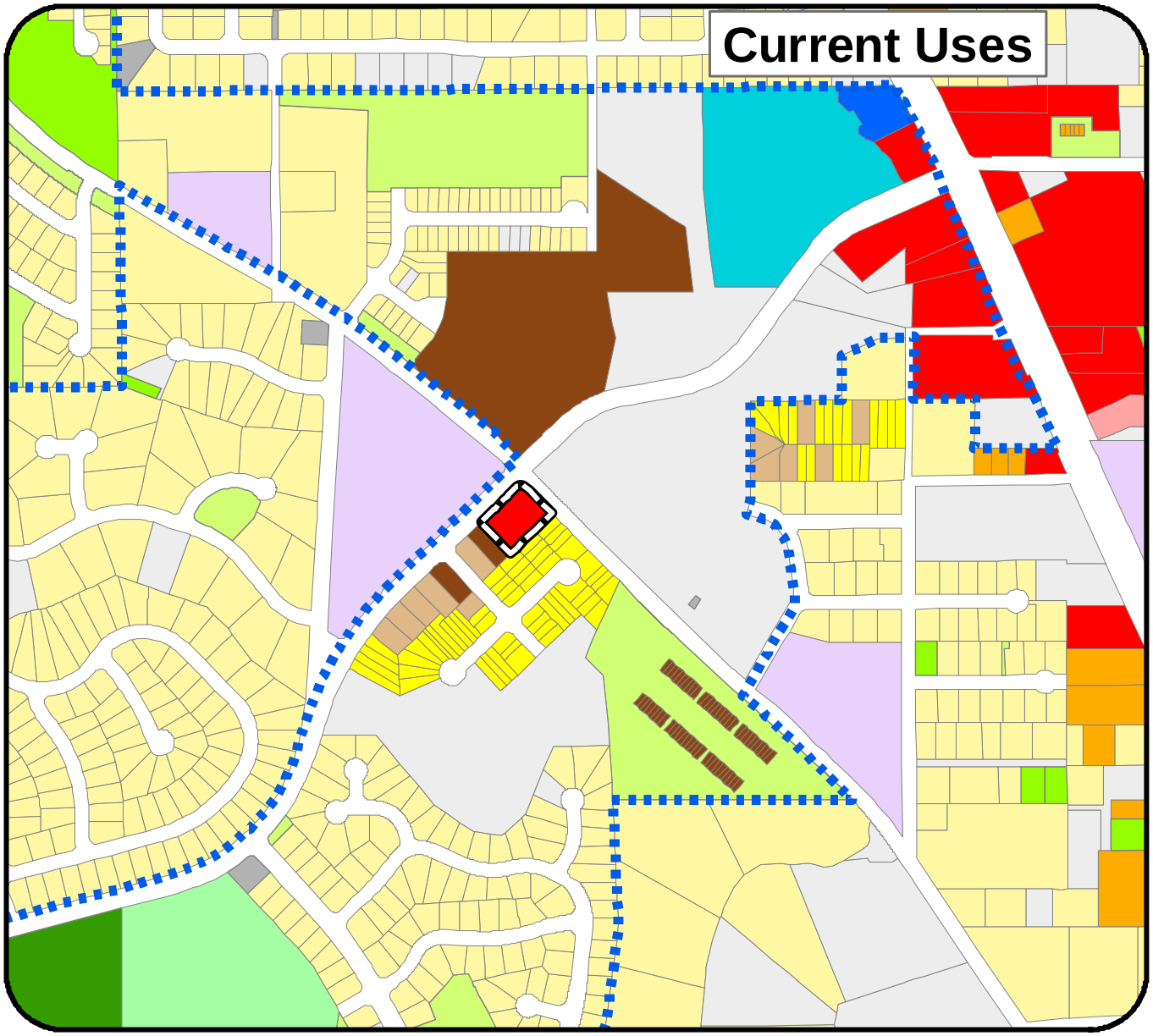
ACRES: 1.0 ±



Legend

Subject_Parcel

City Limits

Current Uses (Oct. 2012)

- Single Family Detached/Mobile Home
- Single Family Attached
- Two-Family Dwelling
- Retail
- Office
- Open Space Common Areas
- Open Space Recreation Parks
- Open Space Resource Protection
- Multi-Family
- Motel/Hospital/Clinic
- Religious/Non-profit
- Transportation/Communications/Utilities
- Vacant

Fred George and Old Bainbridge Road PCM130108

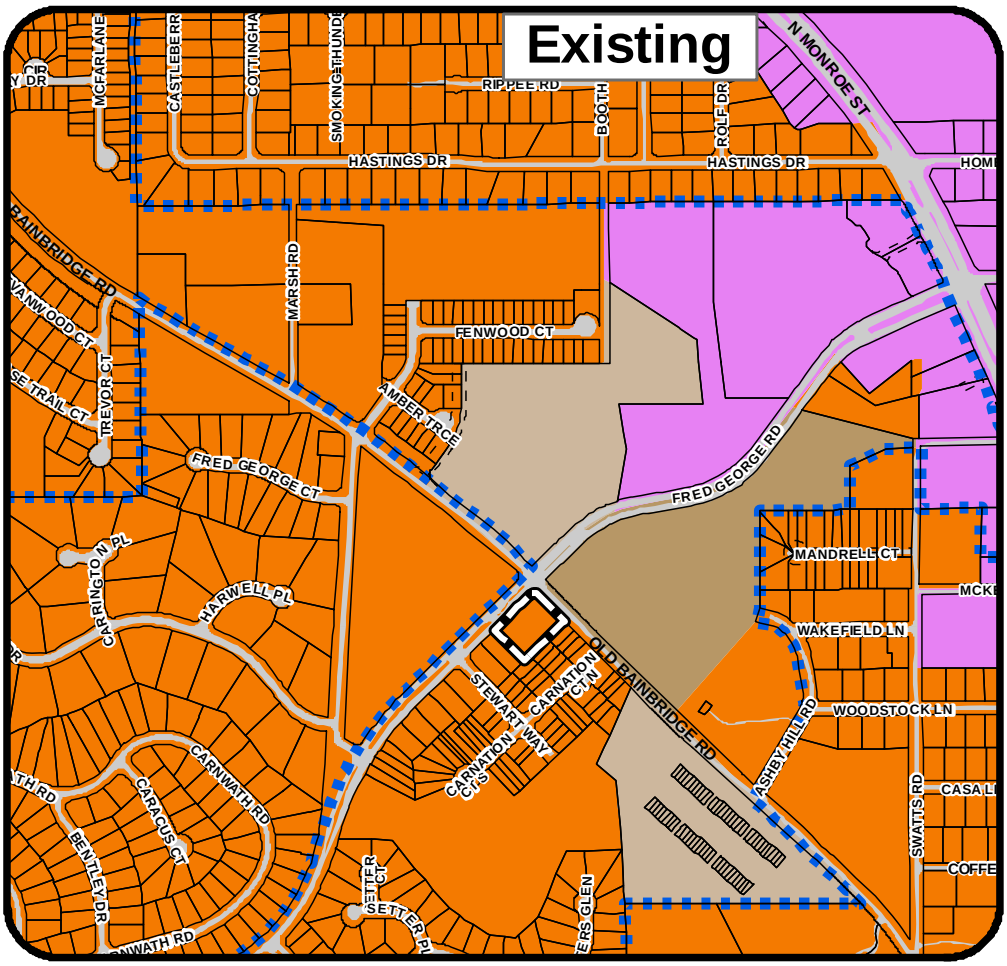
City of Tallahassee

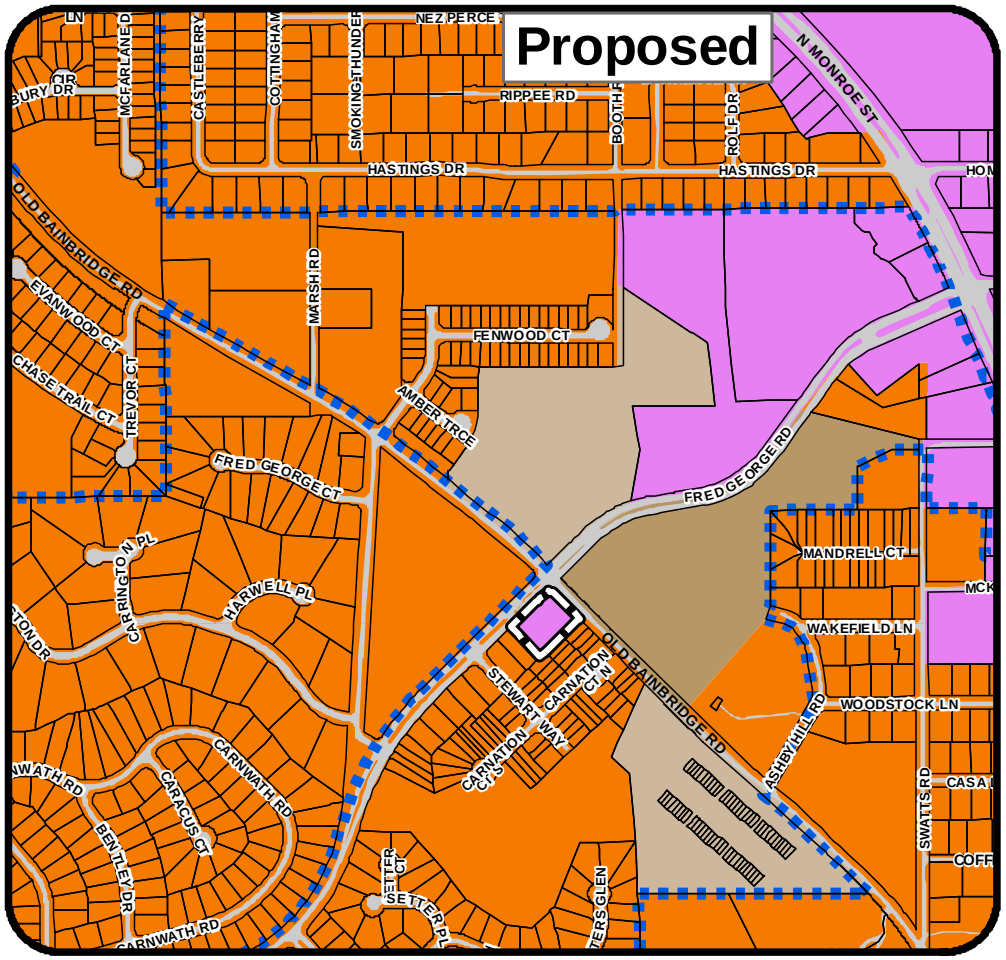
SITE TAX ID# 21-09-47-000-0010

ACRES: 1.0 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT

N W E S





Future Land Use

Legend

- Residential Preservation
- Suburban
- Urban Residential
- Urban Residential 2

Subject Parcel

Fred George and Old Bainbridge Road PCM130108

City of Tallahassee

Existing

Residental Preservation

Proposed

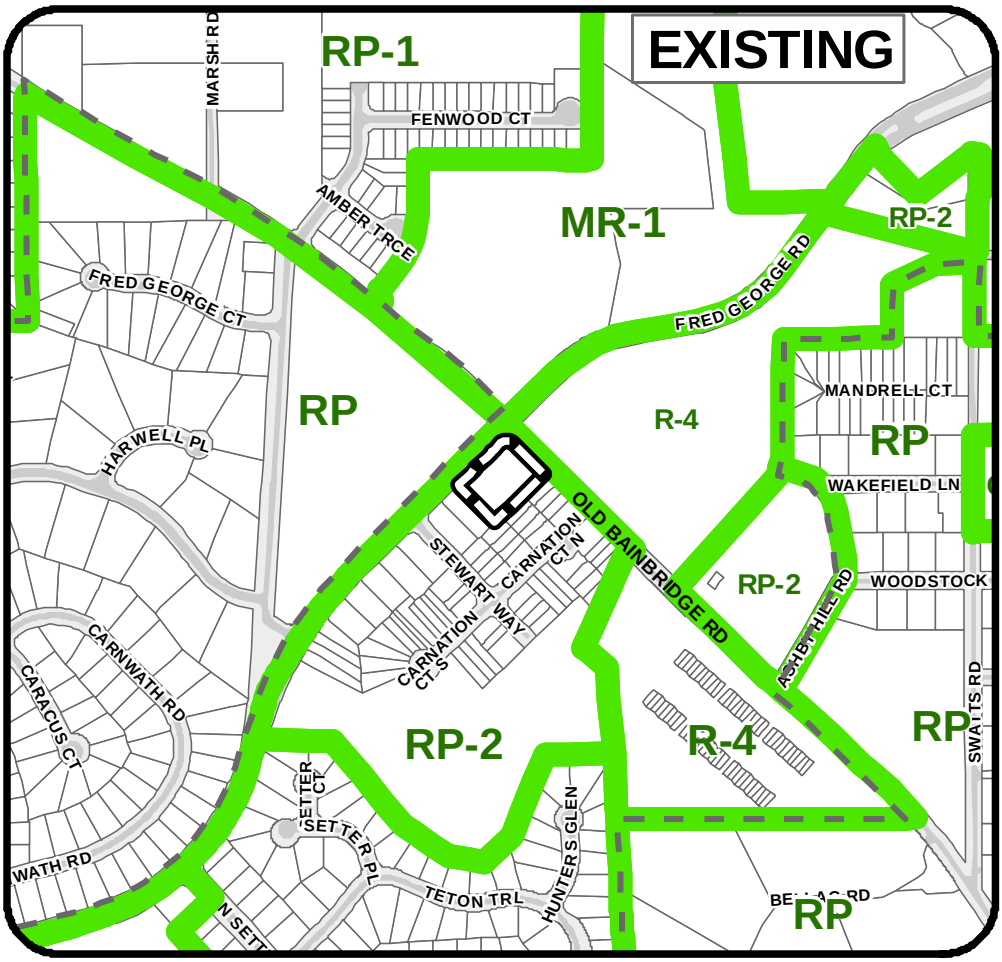
Suburban

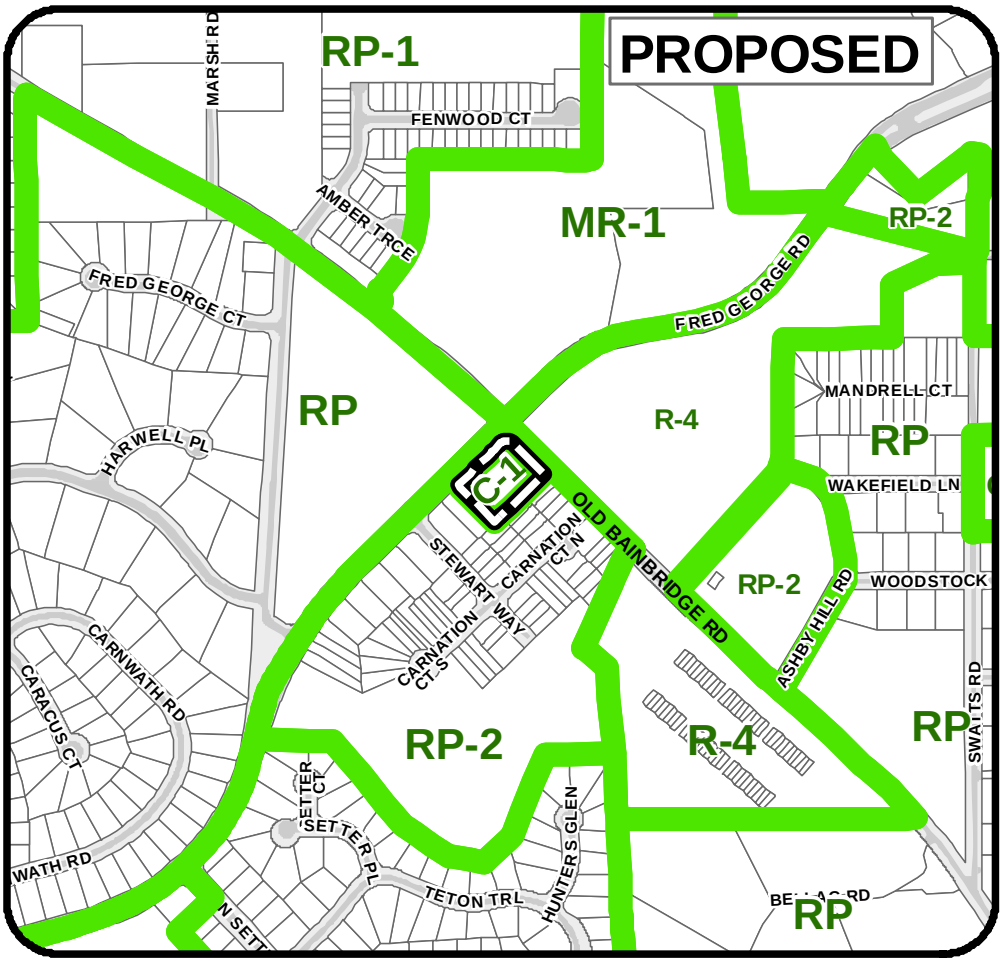
N W E S

SITE TAX ID#
21-09-47-000-0010

ACRES: 1.0 ±

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT





ZONING

Legend

Subject Parcel

zoning

Fred George and Old Bainbridge Road PCM130108

City of Tallahassee

Existing

RP-2
(Residential Preservation-2)

Proposed

C-1
(Neighborhood Commercial)

SITE TAX ID#
21-09-47-000-0010

ACRES: 1.0 ±

TALLAHASSEE LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

MAP AMENDMENT: PCM130108

APPLICANT: City of Tallahassee

TAX I.D. #: 21-09-47-000-0010

CITY X COUNTY _

CURRENT DESIGNATION: Residential Preservation

REQUESTED DESIGNATION: Suburban

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM130108.

A. SUMMARY:

This is a request from the City of Tallahassee, on behalf of the owner, Andrews Enterprises Inc. (Jack Buford, Agent), to change the Future Land Use Map designation from "Residential Preservation" to "Suburban" for an approximately one-acre parcel located on the southwest corner of Fred George Road and Old Bainbridge Road (Attachment #1). This property presently contains a 1,973 square-foot convenience store built in 1987 in accordance with the former Huntington Woods Development of Regional Impact (DRI) development order.

The Huntington Woods DRI was a 944-acre mixed-use development originally approved in 1974, and essentially built-out by 2010. On June 23, 2010, the City Commission rescinded the Huntington Woods DRI development order because it no longer served any useful purpose (See Attachment #2 for complete history). After the development order was rescinded, the Future Land Use Map (FLUM) categories and implementing zoning districts provided the land use regulation for the property within the former DRI.

However, the Residential Preservation FLUM category, and associated Residential Preservation-2 (RP-2) zoning district for the subject property does not accurately reflect the existing (and intended) use of the property as a neighborhood convenience store. The Residential Preservation FLUM and the RP-2 zoning district only permit low density residential land uses and community services. Therefore, the existing convenience store use of the property is a non-conforming use. The non-conforming status of the property allows the convenience store to continue to operate under the existing ownership, but a pending sale of the property would require a new liquor license in order to continue beer sales. A new liquor license cannot be issued in a Residential Preservation zoning district. In addition, the non-conforming status puts other limitations on the property, which may adversely affect the value of the property.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed Suburban land use category and C-1 zoning district reflects the existing development of the property. It is also consistent with the intent of the former Huntington Woods DRI development order to provide a small commercial node at a major intersection to provide nearby residents with the opportunity to purchase convenience goods without leaving the area.

2. The proposed FLUM and zoning change would correct the existing non-conforming status of the convenience store on the site, and therefore, allow the transfer of ownership of the property without adversely impacting the ability of the convenience store to sell beer or be encumbered by other restrictions associated with the legal non-conforming status of the property.

3. The proposed amendment is not anticipated to have adverse effects on public facilities.

C. APPLICANT'S REASON FOR THE AMENDMENT:

The City is requesting this land use change to allow continued use of the property as a neighborhood convenience store. The FLUM change to Suburban and zoning change to C-1 will also make this existing use conforming, which will eliminate encumbrances to the sale of the property.

D. STAFF ANALYSIS

Existing FLUM & Zoning

The 1-acre property has a current Future Land Use Map (FLUM) designation of Residential Preservation and a zoning designation of Residential Preservation-2 (RP-2). The area is within the City and the Urban Service Area. The subject property is not in the Multi-Modal Transportation District

Residential Preservation and RP-2 Zoning
The existing Residential Preservation FLUM designation category is characterized by existing homogeneous residential areas within the community predominantly accessible by local streets. The primary function of this category is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions.

Future development primarily will consist of infill due to the built out nature of the areas. Commercial, office, and industrial land uses are prohibited. Future arterial and/or expressways should be planned to minimize impacts within this category. Single family, townhouse and cluster housing may be permitted within a range of up to six units per acre. Consistency with surrounding residential type and density shall be a major determinant in granting development approval intended for community services, infrastructure, and state and federal government facilities.

The subject property is currently zoned Residential Preservation 2 (RP-2). The RP-2 Zoning District is intended to apply to residential development in areas designated "Residential Preservation" on the Future Land Use Map, preserving the low density

residential character of single-family, two-unit townhouse, and duplex residential development, protecting from incompatible land uses, and prohibiting densities in excess of six (6.0) dwelling units per acre. RP-2 zoning also allows passive and active recreation, community services, and light infrastructure. The RP-2 zoning would allow 6 dwelling units on the subject property.

Proposed Land Use and Zoning

Suburban Land Use

The Suburban land use category recognizes the manner in which much of Tallahassee-Leon County has developed since the 1940s. It is intended to create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. Employment opportunities are intended ideally to be located near residential areas, if possible within walking distance.

This category predominantly consists of single-use projects that are interconnected whenever feasible. Mixed use projects and the principles of traditional neighborhood developments are encouraged, though not required. The Suburban category is most suitable for those areas outside of the Central Core. However, additional areas inside the Central Core may be designated as appropriate based on existing land use pattern.
To complement the residential aspects of this development pattern, recreational opportunities, cultural activities, commercial goods and services should be located nearby. To reduce automobile dependency of residents and employers alike, mass transit stops should be located at large commercial centers and appropriate street and pedestrian connections established between commercial and residential areas. Except within mixed use centers, larger scale commercial development should be buffered from adjacent residential neighborhoods.

Development is required to comply with the Suburban Intensity Guidelines, which would limit development based on the development pattern. The development pattern for the subject property would be Suburban Corridor, which limits commercial development to 25,000 square feet per acre.

The Suburban category allows higher density housing up to 20 dwelling units per acre and a wide variety of office and commercial uses. The maximum number of units on 1 acre is 20 residential units and 25,000 square feet of non-residential uses [calculated at 25,000 square feet per acre].

Neighborhood Commercial Zoning

The C-1 district is intended to be located in areas designated Suburban on the Future Land Use Map of the Comprehensive Plan and shall apply to suburban areas with direct access to collector or arterial roadways located within convenient traveling distance to one or more neighborhoods, wherein small groups of retail commercial, professional, office, community and recreational facilities and other convenience commercial activities are permitted in order to provide goods and services that people frequently use in close proximity to their homes.

The C-1 district is intended to provide shopping for residential areas without requiring access to arterial roadways, thereby providing more convenient shopping for area residents and preserving the capacity of the arterial roadway network. The provisions of this district are intended to encourage commercial development that is compatible in scale and design with surrounding residential uses and, therefore, the district limits the maximum size of individual buildings.

The C-1 district is not intended to accommodate large scale commercial or service activities or automotive or other types of more intensive commercial activity. The maximum gross density allowed for new residential development in the C-1 district is 16 dwelling units per acre, with a minimum gross density of 8 dwelling units per acre, unless constraints of concurrency or preservation and/or conservation features preclude the attainment of the minimum density. The residential uses are required to be located on the second floor or above a building containing commercial or office uses on the first floor. Mixed use projects in the C-1 district are encouraged, but are not required.

In order to maintain compact and nonlinear characteristics, C-1 districts shall not be located closer than ¼ mile to other C-1 or C-2 districts or to parcels containing commercial developments including more than 20,000 gross square feet of floor area and shall not exceed 15 acres in size.

Major Planning Issues

1. *Suburban FLUM and C-1 rezoning will implement the efficient land use pattern approved in the Huntington Woods DRI.*

The subject parcel is centrally located within the former Huntington Woods DRI and traffic to the site is concentrated on major roadways (Fred George Road and Old St. Augustine Road). Because of the central location and the accessibility of the site, it was designated in the Huntington Woods DRI for a small commercial development, predominately for the use of residents in the Huntington Woods DRI.

The intended land in the development order for the subject parcel of a small-scale commercial use was implemented through the 1981 Leon County rezoning of the subject property from a medium density residential category to a commercial zoning district with, what was termed at the time, “a limited use site plan”. In this context, a “limited use site plan” meant that some uses from the neighborhood commercial zoning district were permitted and others were not.

Specifically, large traffic generating uses such as restaurants, cocktail lounges and movie theatres were not permitted uses.

After the property was annexed by the City of Tallahassee in 1985, the city adopted an ordinance that allowed the same uses that were previously allowed by the county. In 1986, in accordance with the Huntington Woods development order and the associated rezonings, a 1,973 square foot convenience store with fueling facilities was constructed on the site.

Four years after the site was developed, the subject site was included in the Residential Preservation FLUM in the Comprehensive Plan, and it was subsequently rezoned to RP-2 zoning district. However, it was still under the purview of the Huntington Woods DRI development Order, which established a small-scale commercial use for the subject property.

However, in 2010 when the Huntington Woods development order was rescinded, and the land use regulations, including the Comprehensive Plan FLUM category of the subject parcel, did not reflect the intent of the original Huntington Woods development order. The proposed amendment and associated rezoning return the land use designation to reflect the original intent of the Huntington Woods DRI for the subject parcel.

2. The continued operation of the convenience store on the subject parcel as a non-conforming use would be a hardship on the owner of the subject parcel.

The convenience store that exists on the subject parcel is a non-conforming use. A non-conforming use is a use that conformed to the zoning regulations at the time it was built, but no longer conforms to the existing zoning regulations because of changes to the zoning regulation or the zoning district. The use on the subject property is non-conforming because it was rezoned to RP-2 consistent with the Residential Preservation FLUM adopted in the Comprehensive Plan (see Attachment 2).

In accordance with provisions of Sections 10-78 and 10-79 of the City of Tallahassee Land Development Code, a non-conforming use can continue to exist indefinitely, unless it loses it non-conforming status by going out of business for a year or more (with some exceptions), or it illegally expands or changes use, or when remodeling or reconstruction of the structure exceeds 50% of the value of the structure. These limitations on non-conforming properties adversely affect the value of the property, and may affect its property insurance rates.

In addition, the sale of alcoholic beverages is not addressed by Sections 10-78 and 10-79 of the City of Tallahassee Code of Ordinances. Therefore, the City of Tallahassee will not certify to the State of Florida liquor license application that the zoning requirements have been meet for the sale of alcoholic beverages for a business that is a non-conforming use in a Residential Protection zoning district. Without the City certification of zoning compliance, the State will not issue a liquor license.

The existing convenience store on the subject property can sell beer under the license it was issued prior to the 1992 zoning change to RP-2 zoning district. However, when the property is sold, the new owners will be required to obtain a new liquor license, which will not be issued

until the non-conforming status of the property is resolved. According to the agent for the property owner of the subject property, a pending sale for the subject site will not go forward if the new owners cannot obtain a new liquor license for the continued sale of beer and associated malt beverages. Without the sale of beer at this location, the continued operation of convenience store is not viable.

There are two methods to eliminate the non-conforming status of the subject property. The most expeditious method is through the granting of a waiver by the Board of Adjustment and Appeals that deems a non-conforming use, developed prior to the adoption of the Comprehensive Plan, to be a conforming use. The non-conformity waiver is called a "previously existing land use certificate", or PELUC. The requirements for a PELUC are contained in Section 10-104 of the Land Development Code.

However, a PELUC is not the best solution for the subject property for two reasons. First, the PELUC would prohibit the redevelopment of the property to any use other than the existing convenience store. In the future, as the Huntington Oaks area becomes more vibrant and walkable through the Huntington Oaks Placemaking initiative, the subject site could be more viable if it were redeveloped with a use less oriented to the automobile, such as a small restaurant or personal service business. A PELUC would not allow the flexibility for the owners to change the use of the subject property as the Huntington Woods area evolves.

The other limitation of a PELUC would be that any re-development or expansion would be subject to the development standards (setback, height imperious coverage etc.) of the RP-2 zoning district. The RP-2 development standards were formulated to apply to low density residential and community service land uses, and as such, are not applicable to commercial development. Since there are no commercial development standards in the RP-2 zoning district, it is unclear if residential or community service development standards would apply to commercial redevelopment of the subject site. In either case, the extensive setbacks and strict restrictions on impervious area would make the commercial redevelopment of the site very challenging.

The second method for eliminating the non-conforming status of the subject property is to adopt the proposed Comprehensive Plan amendment. A Comprehensive Plan amendment cannot be accomplished as quickly as a PELUC, but it does not have any of its disadvantages related to non-conforming structures. The proposed Comprehensive Plan amendment, once adopted, will allow the use of the structure to change or expand in accordance with the regulations and development standards of the Suburban FLUM and the C-1 zoning district.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features:
   The one-acre subject site is an existing convenience store with fueling facilities. The building parking and solid waste collection portion encompasses approximately one-third of the site. The remainder of the site consists of light landscaping along Fred George Road, and significant landscaping along Old Bainbridge Road, a designated Canopy Road. In addition, there is a substantial wooded buffer between the developed portion of the property and existing townhome development to the south and west.

The Canopy Road protection zone is the only known environmentally sensitive feature in the subject area.

2. Water/Sewer:
According to the City of Tallahassee, adequate sanitary sewer and water exist at the site; and adequate capacity is available to serve the existing building and future development.

3. Transportation:
Roadways: The site is presently developed and it is not anticipated that the proposed FLUM change and rezoning will result in additional impacts to the roadway network. If the site were to attempt redevelop in the future to a more intense use, it would be subject to transportation concurrency regulations. The major segments of roadways that could be affected by future redevelopment are Fred George Road, a major collector, and Old Bainbridge Road, a minor arterial and a Canopy Road.

Through the existing Significant Benefit program and the potential development of a Mobility Fee System, the requisite planning will continue to occur to address transportation needs into the future including identification of roadway and other multi-modal projects. Nothing in the proposed amendment would exempt it from being assessed by the local government under either approach.

Transit Availability: StarMetro's Forest bus route runs along this portion of Fred George Road every 20 minutes during weekdays and Saturdays.

Bicycle/Pedestrian Facilities Availability: No sidewalks exist along Fred George Road, except on the north side of the roadway, between Old Bainbridge Road and Stewart Way. There are no sidewalks presently along Old Bainbridge Road, but sidewalks are programed for inclusion south of Fred George Road in the Leon County Sales Tax program priorities.

There are presently no bicycle lanes along Fred George Road or Old Bainbridge Road.

4. Schools:

The site is zoned for Springwood Elementary, Griffin Middle School, and Godby High School. Since the site is already developed commercially, it is not anticipated that the site would have an impact on school capacity. In the unlikely event that the site redevelops as a residential project in the future, as a one acre site with a maximum density of 20 units an acre; the redevelopment would have a minimal impact on school capacity. Finally, school concurrency calculations will be conducted in the future if a residential subdivision or site plan for subject site is submitted.

5-Year Capital Improvements Projects:

None.

F. VESTED / EXEMPT STATUS:

The previous Huntington Woods DRI development order was exempt from consistency and concurrency requirements by ordinance. However, when the development order for the Huntington Woods DRI was rescinded in 2010, the consistency and concurrency exemption was eliminated for the Huntington woods DRI, including the subject site.

G. CONCLUSION:

Based on the above data and analysis, staff concludes the following:

1. The proposed Suburban land use category and C-1 zoning district reflects the existing development of the property. It is also consistent with the intent of the former Huntington Woods DRI development order to provide a small commercial node at a major intersection to provide nearby residents with the opportunity to purchase convenience goods without leaving the area.

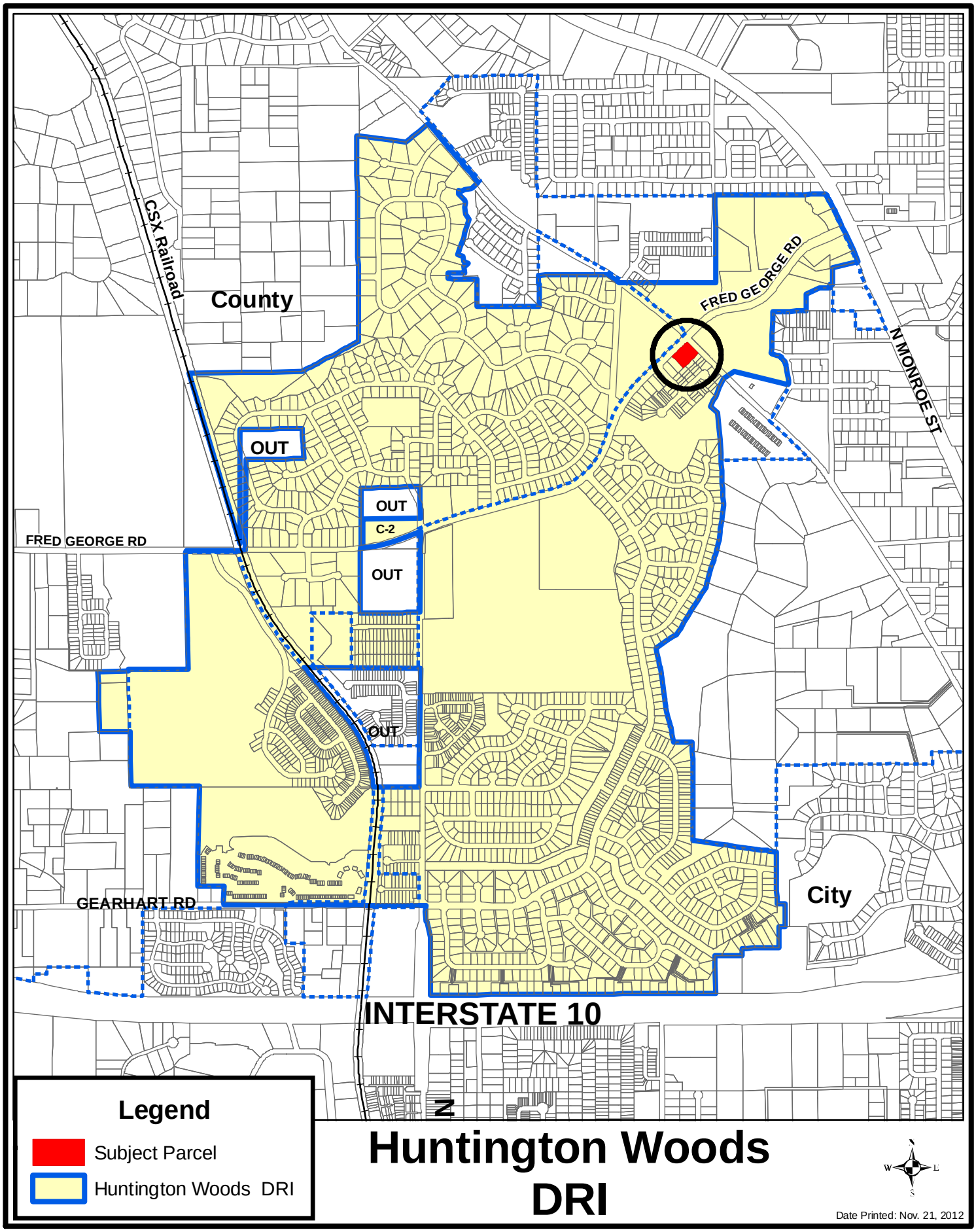
2. The proposed FLUM and zoning change would correct the existing non-conforming status of the convenience store on the site, and therefore, allow the transfer of ownership of the property without adversely impacting the ability of the convenience store to sell beer or be encumbered by other restrictions associated with the legal non-conforming status of the property.

3. The proposed amendment is not anticipated to have adverse effects on public facilities.

Thus, based on the data, analysis, and conclusions, staff is recommending approval of this amendment.

H. ATTACHMENTS:

Attachment #1: Map of Huntington Woods DRI.
Attachment #2: Regulatory history of subject site


CSX Railroad
County
FRED GEORGE RD
N MONROE ST
OUT
OUT
C-2
OUT
FRED GEORGE RD
OUT
GEARHART RD
City
INTERSTATE 10
N
Legend
Subject Parcel
Huntington Woods DRI
Huntington Woods
DRI
Date Printed: Nov. 21, 2012

History

The following is the regulatory history of the subject property that is useful in understanding the planning issues associated with the proposed FLUM change, and associated rezoning.

Pre-1970: The subject property was in the A-1 (agricultural) zoning district in Leon County

December 18, 1973: The subject property was rezoned to the RM-1 (medium density residential) zoning district.

May 14, 1974: The development order for the Huntington Woods development-of-regional-impact was adopted by Leon County.

November 24, 1981: Leon County rezoned the property from RM-1 to C-1 (light commercial) with a limited use site plan. The C-1 with a limited use site plan allowed retail food and grocery use and other retail and office uses. It removed as permitted uses more intense traffic generating uses from the C-1 zoning district such as movie theatres or cocktail lounges. Motor fuels sales were permitted restricted use, in the C-1 zoning district with a limited use site plan proved the motor fuel facilities were ancillary to the retail grocery sales.

1985: Much of the Huntington Woods DRI (including the subject property) was annexed into the City of Tallahassee.

December 10, 1986: The subject property was rezoned by the City of Tallahassee to C-1 with a limited use site plan. The principal and restricted permitted uses were exactly the same as in the county zoning district.

1987: A convenience store with fueling facilities was constructed on to the site.

July 19, 1990: The Tallahassee-Leon County Comprehensive Plan was adopted by the City of Tallahassee and Leon County. In the Comprehensive Plan, the subject property and the surrounding area was placed in the Residential Preservation Future Land Use Preservation category.

February 23, 1992: The zoning ordinance implementing the Comprehensive Plan was adopted by the City of Tallahassee. The subject property was re-zoned from C-1 with a limited use site plan to the Residential Preservation-2 (RP-2), a low density residential zoning district.

September 25, 2002: A development order for the City's portion of the Huntington Woods DRI was adopted by the City of Tallahassee.

August 4, 2010: The City of Tallahassee rescinded the Huntington Woods DRI development order.

TEXT AMENDMENT #: PCT130109

APPLICANT: Leon County Board of County Commissioners

TEXT/POLICY I.D. #:
Policy 1.3.1 [C], 1.3.2 [C] , 1.3.3 [C] , 1.3.4 [C] , 1.3.5 [C] , 1.3.6 [C] , 1.3.7 [C] , 1.3.8 [C] , 1.3.12 [C] , 1.3.13 [C] , 1.3.14 [C] , and 1.3.15 [C]

CITY _X_ COUNTY _X_

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCT130109

A. SUMMARY:

The requested amendment removes the Comprehensive Plan requirement for significant and severe grade regulations inside the Urban Service Area. Requirements outside the Urban Service Area are unchanged. The amendment also provides authorization for, but does not require, some level of grade regulation in the Land Development Code that is appropriate for fostering compact urban development inside the Urban Service Area. The goals of the amendment are to provide flexibility in the protection of steep grades, help direct development and growth to inside the Urban Service Area, and further the protection of lands outside of the Urban Service Area.

The Leon County Board of County Commissioners initiated this amendment on May 8, 2012 (Item #20). The motion approved 7-0 was to "Direct PLACE Staff to initiate the Comprehensive Plan amendment process to remove the slope regulation provisions inside the Urban Service Area."

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The amendment fulfills specific direction from the Board of County Commissioners to remove steep grade regulations inside the Urban Service Area.
2. The amendment fulfills the consensus recommendation by the Minimum Countywide Environmental Standards Citizen's Committee to provide different steep grade regulations for properties inside versus outside the Urban Service Area.
3. The companion County Land Development Code provisions retain protections for steep grades near sensitive environmental features.
4. The amendment and companion Land Development Code provisions provide a policy option to increase flexibility in the regulation of steep grades that is based on current recommendations from a citizen committee and elected officials. This increased flexibility is constant with the Comprehensive Plan goals of fostering growth inside the designated Urban Service Area

C. EXISTING TEXT/POLICIES:

See Attachment #1

D. PROPOSED TEXT/POLICIES:

Attachment #1 includes all proposed amendments in legislative format and provides staff notes describing each change.

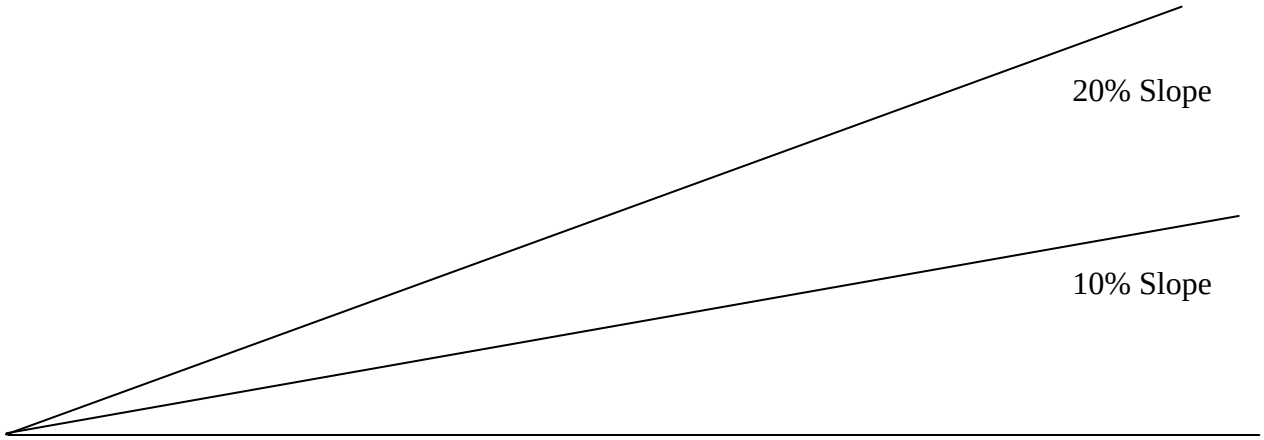
E. APPLICANT'S REASON FOR THE AMENDMENT:

Direction for staff to submit this amendment request was provided by the Leon County Board of County Commissioners at their May 8, 2012 regular meeting (Item #20). The motion approved 7-0 was to "Direct PLACE Staff to initiate the Comprehensive Plan amendment process to remove the slope regulation provisions inside the Urban Service Area."

Planning Department staff worked with the Leon County Development Support and Environmental Management Department and the City of Tallahassee Growth Management Department to develop the proposed language to implement the Board direction. Removing the differences in the City and County policies regarding the regulation of significant and severe grades also allowed staff to unify several "County Only" and "City Only" policies to reduce redundancy in the Comprehensive Plan and provide for increased clarity and readability.

F. STAFF ANALYSIS

In this report the term "steep grade" is utilized to discuss significant grades and severe grades together. However, the Comprehensive Plan does treat these two types of grades quite differently, as provided in the existing policy language in Attachment #1. Generally, you are allowed to disturb up to 50% of significant grades (10-20% slope) on a development site and you are not allowed to disturb severe grades (over 20% slope). For reference, lines with 10% slope and 20% slope are provided below.



History

Since the City adoption of off-site mitigation options for significant grades in 2004, three different citizen committees have reviewed the steep grade provisions in the Comprehensive Plan. A summary of the work conducted by each group is included below along with the names of the citizens that participated in each group.

2005 City Focus Group
Since late 2003, the City Commission has expressed interest in investigating regulations that potentially inhibit the 18-hour downtown concept and the Comprehensive Plan policies that encourage higher density development inside the Urban Service Area. In March of 2005, the City Commission directed staff to focus on four "community standards" for potential amendment. One of these community standards topics was regulation of steep slopes as conservation/preservation features.

On April 20, 2005, the City Commission directed staff to establish a focus group to review the regulation of slopes. The membership of this focus group included:

- Tom Asbury
- Zoe Kulakowski
- Cliff Lamb
- Laurie Dozier
- Charles Pattison
- Nancy Miller

The focus group provided comments on their views of the purpose and intent of slopes regulation (Attachment 4). These comments were presented to the Long Range Target Issues Committee (Commissioners Mustian and Gillum) on September 28, 2005. Work with the slopes focus group was then discontinued after Florida Senate Bill 360 became effective. The 2005 legislation marked the most significant changes in Florida's growth management laws since 1985. Staff resources were reallocated to work on implementation of the complex requirements imposed on local governments. However, in 2009 staff did bring forward an amendment to address redevelopment and infill goals in the Downtown area. The amendment, adopted on October 13, 2009, created the Downtown Overlay and exempted all development with in this area from the significant and severe slope policies in the Comprehensive Plan.

2005 County Blue Ribbon Committee
On June 8, 2004, the Board of County Commissioners directed staff to review the permitting process and recommend revisions to streamline the process. As a result, the Board conducted a workshop on permit process and development initiatives on April 26, 2005 and voted to establish a Blue Ribbon Committee, also known as the Growth and Environmental Management Permitting Process Improvement Citizen Focus Group. The following individuals were appointed to the focus group:

- Wendy Grey
- Terry Fregley
- Ted Thomas
- Carolyn Bibler
- Rick Bateman
- Carman Green
- Kathy Archibald
- David Walmsley
- Russell Price
- Ben Wilkinson Jr.
- Nancy Miller
- Millard Noblin
- Pam Hall
- Neil Fleckenstein.

The Blue Ribbon Committee reviewed the issues identified in the April 26, 2005 workshop item, including slopes regulations, and their recommendations were presented to the Board during an April 11, 2006 workshop. The recommendations specific to slopes regulation are provided in Attachment #4. On April 25, 2006, the Board ratified their actions taken at the April 11, 2006 Workshop, directing staff "to initiate amendments to the Comprehensive Plan, specifically with regard to slopes protection and regulation, utilizing the guidance criteria as recommended by the GEM Focus Group." Implementation of this direction was discontinued after Florida Senate Bill 360 became effective. The 2005 legislation marked the most significant changes in Florida's growth management laws since 1985. Staff resources were reallocated to work on implementation of the complex requirements imposed on local governments.

2011 Minimum Countywide Environmental Standards Citizen's Committee

On August 17, 2010, the Board of County Commissioners adopted an Ordinance to implement a Charter Amendment entitled "Minimum Countywide Environmental Regulations as Proposed by the Citizen Charter Review Committee." The Amendment was placed on the November 2, 2010 general election ballot, and with voter approval (61.47% of the vote), the proposal passed, effective April 1, 2011. A two-phased approach to implementation was approved by the Board. Phase one was completed on March 15, 2011 with the Board's adoption of an Ordinance providing for countywide stormwater treatment and protection standards. Phase two included coordinating with a Board-appointed Citizen's Committee and City staff to integrate all remaining County and City environmental regulations into one recommended Minimum Countywide Environmental Regulations Ordinance, adopted by the Board on May 8, 2012.

The Minimum Countywide Environmental Standards Citizen's Committee members included:

- Roger Wynn
- Carmen Green
- Pamela Hall.
- Cliff Lamb
- Judy Hayden

On December 2, 2011 the Committee addressed significant slopes regulations. The Committee acknowledged that in order to allow for relaxation of the slopes regulations in specific circumstances, a Comprehensive Plan amendment would be required. The Committee also determined that this Comprehensive Plan amendment would need to reflect different slopes regulations for properties inside versus outside the Urban Service Area. The consensus of the Committee was to accept the staff recommendation, and to support the required Comprehensive Plan amendment, including the caveat that the standards would be different for properties inside versus outside the Urban Service Area. Summary minutes of this meeting are included as Attachment #6.

On May 8, 2012 the Board adopted the Minimum Countywide Environmental Standards ordinance and directed staff to initiate the Comprehensive Plan amendment process to remove the slope regulation provisions inside the Urban Service Area.

Analysis of Proposed Text

Attachment #1 includes all proposed amendments in legislative format and provides staff notes describing each change.

The fundamental concept of the requested amendment is provided in the proposed text addition to Conservation Policy 1.3.2 (e), "…in order to help direct development and growth to inside the Urban Service Area and further the protection of lands outside of the Urban Service Area, significant grade regulations are not required by the Comprehensive Plan within the Urban Service Area. Land development regulations may provide protection appropriate for more compact urban development inside the Urban Service Area for significant grades near wetlands, water bodies, watercourses, floodways, floodplain, and karst."

County staff has prepared draft amendments to the Land Development Code. The code amendment establishes a system for the protection of significant and severe grades that are within 100 feet of wetlands, water bodies, watercourses, floodways, floodplain, and karst features. This effectively deregulates steep grades that are not within 100 feet of the designated environmental features, while continuing protection of steep grades that would be most at risk for impacting water quality through erosion associated with construction activity. The 100 foot protection area around sensitive environmental features is consistent with the 100 foot buffers utilized for the Lake Lafayette and Lake McBride Special Development Zones. The draft code changes for the County are provided in Attachment 2.

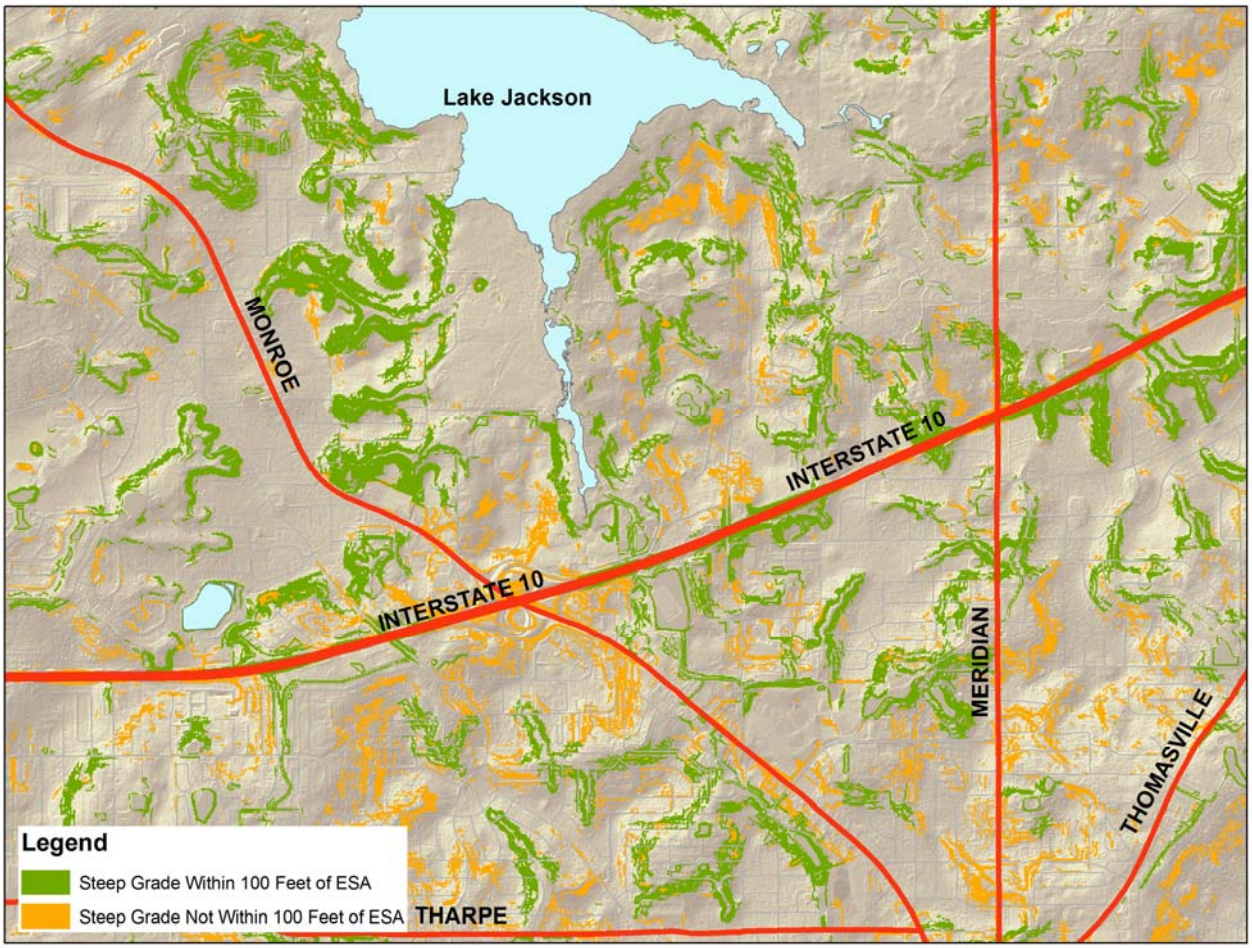
City Growth Management staff is closely monitoring this amendment and the draft County code changes. Growth Management staff will seek direction regarding potential City code changes from the City Commission through the Long Range Target Issues Committee process. However, due to the November 2010 Minimum Countywide Environmental Regulations Charter Amendment, City regulations will need to be equivalent or more restrictive than the minimum regulations established by the County.

It is important to note that the existing County code requirements for erosion control will remain. Section 10-4.327 in the County Code provides the specific requirements for erosion control measures to address environmental degradation associated with sediment transport. This section of code is provided for reference in Attachment 7.

To aid in the understanding of the geographic scope of the requested change, staff prepared maps of two different areas in the community showing the steep grades that are within 100 feet of the designated environmental features and those that are not within 100 feet of the designated environmental features. The data on steep grades utilized for these maps is not intended to be used on a parcel specific basis. However, at the scale represented on the maps below, staff believes this is a good representation of the general areas that would receive protection and that would be deregulated.

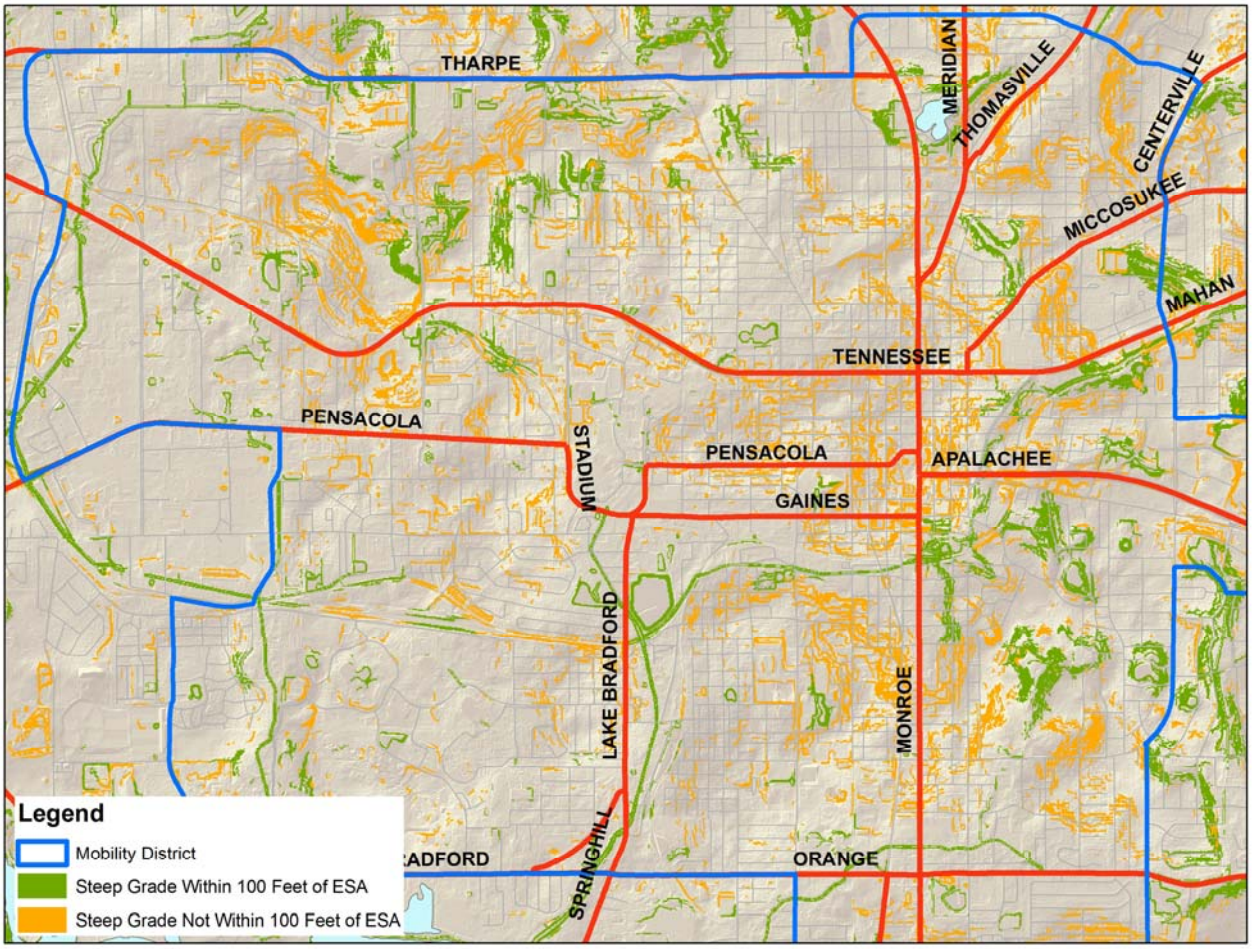
The first area selected to demonstrate the potential impact of the combined Comprehensive Plan amendment and draft code changes includes a portion of Lake Jackson and lands to the south. Figure 1, below, depicts the steep grades that are within 100 feet of wetlands, water bodies, watercourses, floodplain, and karst as green. Steep grades not within 100 feet of these environmental features are depicted in orange. The green areas would continue to receive protection via language in the Land Development Code. The orange areas would be deregulated. Staff selected this area to visually demonstrate the protections that would remain in environmentally sensitive areas, such as those surrounding Lake Jackson.

Figure 1: Steep Grades near Lake Jackson



The second area selected to demonstrate the potential impact of the combined Comprehensive Plan amendment and draft code changes is the Mobility District. This is an area of our community that has been selected for higher density and intensity uses and fostering more transportation alternatives. Just as in Figure 1 above, the steep grades that are within 100 feet of wetlands, water bodies, watercourses, floodplain, and karst are depicted in green and the steep grades not within 100 feet of these environmental features are depicted in orange. This area was selected to depict the impact of the policy change on this more urbanized section of the community that has been targeted for more intensification.

Figure 2: Steep Grades in the Mobility District



Staff has also included Table 1 below to help communicate the geographic scope of the requested change over the entire Urban Service Area. These calculations are based on the same Geographic Information System data utilized in Figure 1 and 2 above. It is important to note that in this report the term "steep grade" is utilized to discuss significant grades and severe grades together. These two types of grades are combined in Figures 1 and 2 in order to make the maps legible. However, the Comprehensive Plan does treat these two types of grades quite differently, as provided in the existing policy language in Attachment #1.

Generally, you are allowed to disturb up to 50% of significant grades (10-20% slope) on a development site and you are not allowed to disturb severe grades (over 20% slope). Table 1 provides the acres for both significant grades and severe grades combined as "steep grades," and then provides the breakdown for significant and severe grades separately. This highlights the small portion of land proposed for deregulation in the more sensitive severe grades category.

Table 1: Land Area Analysis

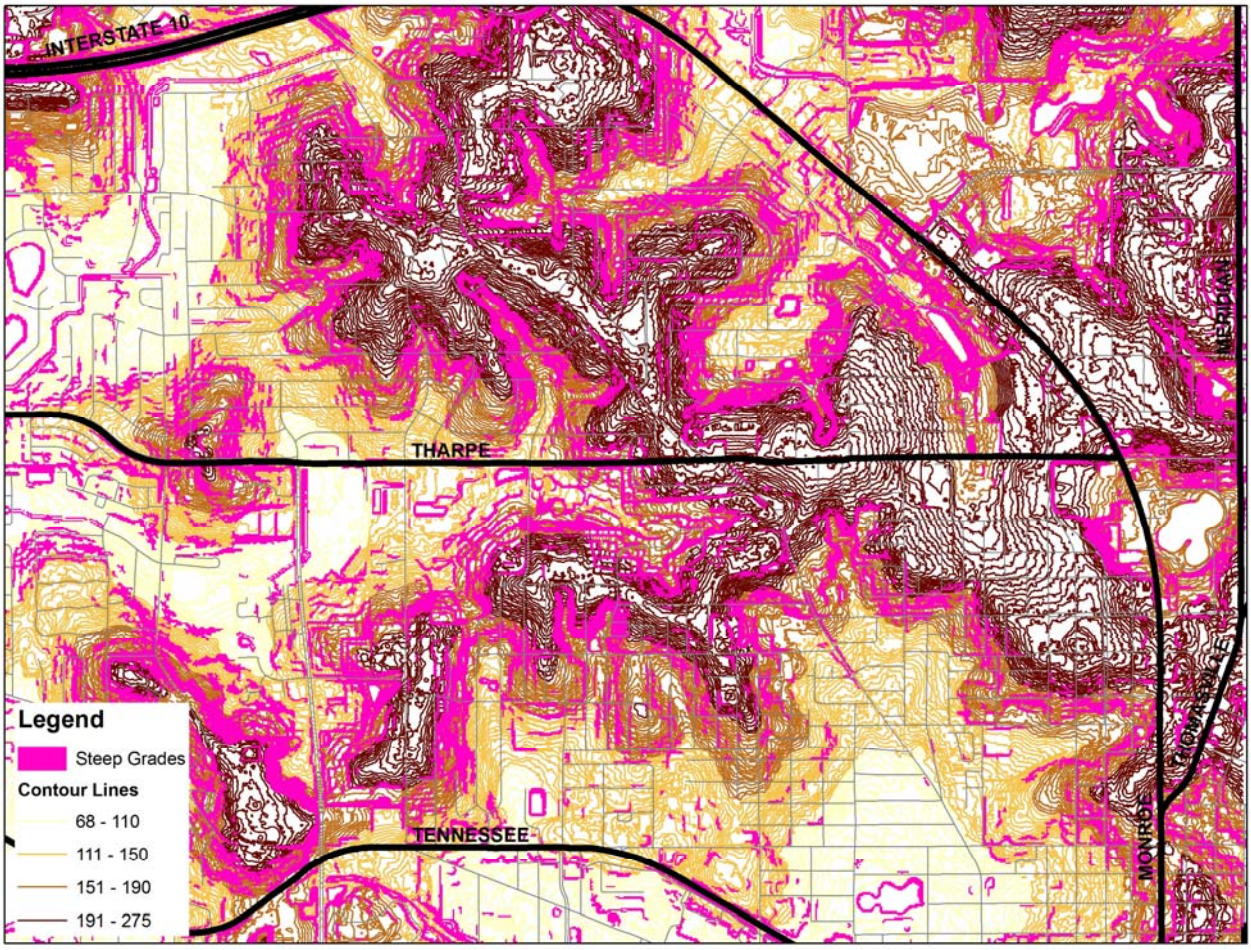
Analysis Area	Impact of Amendment and Code	Acres	% of the USA Land Area
Total Land in Urban Service Area (USA)	--	103,257	100.0%
Steep Grades in USA *(includes both Significant and Severe Grades)*	--	11,918	11.5%
Steep Grades Within 100 feet of ESA	Regulated	6,665	6.5%
Steep Grades NOT Within 100 feet of ESA	Deregulated	5,252	5.0%
Significant Grades in USA *(10-20% Slope)*	--	10,290	10%
Significant Grades Within 100 feet of ESA	Regulated	5,700	5.5%
Significant Grades NOT Within 100 feet of ESA	Deregulated	4,589	4.4%
Severe Grades in USA *(Over 20% Slope)*	--	1,628	1.6%
Severe Grades Within 100 feet of ESA	Regulated	965	0.9%
Severe Grades NOT Within 100 feet of ESA	Deregulated	663	0.6%

Lastly, it is important to briefly address the topic of "community character" that has been discussed in each of the past projects that considered revising the steep grade polices. This is a complicated matter, as different community members may have different ideas about how various features add character, or even a sense of place, to the community. This may be an important topic for the public participation portion of the review for this amendment. This staff report does not fully address this topic, but rather provides staff observations to consider during the larger community discussion.

Generally, during past reviews of the steep grade policies community members have expressed a concern that reducing steep grade protections would have a negative impact on the rolling hills that Tallahassee and Leon County are known for. However, by their very "rolling" nature the tops of our hills tend not to be steep, unlike in more mountainous regions that have ridge top protection ordinances. In Figure 3 below you can see that steep grades (depicted in fuchsia) do not generally occur on our hill tops (dark brown). The steep grades occur on the sides of the hills and ravines. Allowing construction on steep grades, which are not within 100 feet of other environmental features, does not appear as though it could have an impact on the larger hilly topography of Tallahassee. We are not alone in our love of the seven hills we are built upon. Rome, Istanbul, Moscow, San Francisco, and Seattle are all "seven-hills" cities with intensive urban development on

steep grades that arguably has not diminished their character. The "Tallahassee Character" is certainly less urban and more focused on natural aesthetics than the larger cities mentioned above, however, these examples are provided to demonstrate that construction on steep grades does not mean that the larger communitywide topographic character is lost.

Figure 3:Steep Grades and the Tallahassee Topography



County Strategic Priorities

At the December 12, 2011 retreat, the Board charted the course for the future of Leon County by establishing a vision statement and four strategic priority areas of the Economy, the Environment, Quality of Life and Governance. The proposed amendment is aligned with the strategic priority presented and discussed below.

Environment Strategic Priority: "Promote orderly growth which protects our environment, preserves our charm, maximizes public investment, and stimulates better and more sustainable economic returns." The Urban Service Area concept is the primary Comprehensive Plan tool for promoting orderly growth in our community. Providing flexibility regarding the regulation of steep grades inside the Urban Service Area fosters development in the areas where we have already made public investments in urban infrastructure. The proposed amendment seeks balance between

environmental protection and economic returns by authorizing some level of steep grade regulation inside the Urban Service Area via Land Development Code that focuses protection on grades near wetlands, water bodies, watercourses, floodways, floodplain, and karst.

G. CONCLUSIONS:

Based on the above analysis, the Planning Department recommends approval of the amendment request for the following reasons:

1. The amendment fulfills specific direction from the Board of County Commissioners to remove steep grade regulations inside the Urban Service Area.
2. The amendment fulfills the consensus recommendation by the Minimum Countywide Environmental Standards Citizen's Committee to provide different steep grade regulations for properties inside versus outside the Urban Service Area.
3. The companion County Land Development Code provisions retain protections for steep grades near sensitive environmental features.
4. The amendment and companion Land Development Code provisions provide a policy option to increase flexibility in the regulation of steep grades that is based on current recommendations from a citizen committee and elected officials. This increased flexibility is constant with the Comprehensive Plan goals of fostering growth inside the designated Urban Service Area.

H. ATTCHMENTS:

Attachment #1: Amendment in Strikethrough/Underline Format with Staff Notes

Attachment #2: Draft County Land Development Code Modifications

Attachment #3: 2005 City Focus Group Comments

Attachment #4: 2005 County Blue Ribbon Committee Recommendations

Attachment #5: 2011 Minimum Countywide Environmental Standards Committee Minutes

Attachment #6: County Existing Erosion Control Code

CONSERVATION AREAS

Policy 1.3.1: [C] ~~(City of Tallahassee)~~ *(Revision Effective 6/07/01)*

The following natural features shall be identified and mapped prior to rezoning or development and be regulated as conservation areas:

a) Altered floodplains and floodways,
b) Altered watercourses and improved elements of the primary drainage system;
c) Altered wetlands;
d) Closed basins;
e) Significant grade areas ~~(~~10% - 20%~~)~~ (only required outside of the Urban Service Area);
f) High quality successional forests;
g) Areas exhibiting active karst features;
h) Designated canopy road corridors.

~~**Policy 1.3.1: [C]** (Leon County) *(Revision Effective 6/07/01)*~~

~~The following natural features shall be mapped and be included in the conservation overlay:~~

~~a) Altered floodplains and floodways,~~
~~b) Altered watercourses and improved elements of the primary drainage system;~~
~~c) Altered wetlands;~~
~~d) Closed basins;~~
~~e) Significant grade areas (10% - 20%);~~
~~f) High quality successional forests;~~
~~g) Areas exhibiting active karst features;~~
~~h) Designated canopy road corridors.~~

Staff Note: The above change notes that significant grade areas are only regulated by the Comprehensive Plan outside of the Urban Service Area. The change also creates a unified policy for the City and County. The minor differences in the opening text for each policy do not impact how the Conservation Areas are regulated. The City version of the policy provides clearer direction and was selected for the unified policy.

Policy 1.3.2: [C] *(Revision Effective 7/1/04; Revision Effective 7/26/06; Revision Effective 1/7/10)* ~~**City of Tallahassee Only**~~

Staff Note: "City of Tallahassee Only" is proposed for removal to create a unified policy for the City and the County. This will include the removal of "Leon County Only" Policy 1.3.2 [C] below. The treatment of significant grades is the only difference between the existing "City Only" and "County Only" version of Policy 1.3.2 [C]. Addressing the significant grade requirements allows for the unification of these polices.

Potential development within areas of the conservation overlay district shall exhibit best environmental management practices with the emphasis on designing with nature. Assessed impact upon natural resource determines density and/or intensity within a prescribed range within which the parcel is located. Planned development is required for approval. Strict performance requirements will be applied. The

major criterion for approval shall be the continued functioning, with minimum disturbances, of the ecosystem, which the development is impacting. ~~For significant grades only, off-site mitigation may be approved under criteria to be included in land development regulations that allow development of a site with significant grades, and where net environmental benefit can be demonstrated via both enhanced mitigation measures on-site and protective measures at an external site.~~

Staff Note: The text above is proposed for removal to eliminate the City provision that allows off-site mitigation for impacts to significant grades. The provision is not needed if the Plan is amendment to limit grade protections to outside the Urban Service Area, as the vast majority of the City is inside the Urban Service Area.

Conservation area development criteria are as follows:

a) **Altered floodplains and floodways**—Development will be allowed in these areas as long as it does not impede water flow or displace volume (development will be allowed at the density consistent with the land use category). Density can be transferred out of these areas at a density reflective of the density permitted by the existing land use category.

b) **Altered watercourses and improved elements of the primary drainage system**ð No development allowed in these areas, development density will be transferred out of these areas at a density reflective of the density permitted by the existing land use category.

c) **Altered Wetlands (City of Tallahassee Only)** - May only be used for a stormwater treatment facility if wetlands are degraded. Design of any stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.

d) **Closed basins**—These areas will be permitted to develop only to the extent that there is sufficient stormwater capacity within the basin. Development will be permitted reflective of the density allowed by the existing land use category.

e) **Significant grade areas (10-20%)-** The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. However, in order to help direct development and growth to inside the Urban Service Area and further the protection of lands outside of the Urban Service Area, significant grade regulations are not required by the Comprehensive Plan within the Urban Service Area. Land development regulations may provide protection appropriate for more compact urban development inside the Urban Service Area for significant grades near wetlands, water bodies, watercourses, floodways, floodplain, and karst. ~~The density and intensity of the proposed land use and its resulting impervious or disturbed area should be suitable for the site. It is not the intent of this policy to regulate man made slopes.~~

Areas outside the Urban Service Area shall be regulated by this policy and ~~D~~development will be allowed at a density reflective of the density permitted by the existing land use category. Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category. It is not the intent of this policy to regulate man made slopes. Development outside the Urban Service Area will be permitted provided the following are done:

Staff Note: The text above establishes the concept for not requiring significant grade regulations inside the Urban Service Area while also providing authorization for, but not requiring, some level of grade regulation in the Land Development Code that is appropriate for fostering compact urban development.

(1) Minimize any topographical changes. Minimal grade changes typically associated with site development include those necessary for the safety of a building, parking area, road right-of-way, handicapped access, or associated utilities, including stormwater management system.
(2) A minimum of 50% of the grade must be left undisturbed or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas.
(3) Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.
(4) The implementing LDRs shall address erosion, local topography, water quality and existing vegetation as appropriate.~~;~~
~~(a) Create new, high wage employment (may be based on a minimum annual wage, number of jobs created, and limited to exclusive office and industrial~~

~~(5) In lieu of the above, land development regulations may provide for off-site mitigation for development sites that meet the following criteria:~~
~~(a) The site is within or adjoining Capital Circle, south of Interstate 10;~~
~~(b) The site is not within a Target Planning Area (TPA), Critical Planning Area (CPA), or Planned Unit Development;~~
~~(c) The site is served by a roadway in place, constructed to City or County standards, whichever is applicable and for which there is adequate capacity; and all water, sewer, and electric infrastructure necessary to serve the site are available;~~
~~(d) The significant grades on the site are not part of, do not include, and are not adjacent to previously protected significant grades or other preservation areas or conservation areas (other than significant grades) for which there are no off-site mitigation options;~~
~~(e) The significant grades on-site are not necessary for buffering other preservation areas or conservation areas on-site or on adjoining parcels; and~~
~~(f) An off-site mitigation plan for the development of the significant grades site has been approved that demonstrates net environmental benefit. *(Effective 7/1/04)*~~

~~The additional flexibility that may be granted under this section is not limited by Conservation *Policy 1.3.7 (Effective 6/07/01)*~~

~~Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category.~~

Staff Note: The text above is proposed for removal to eliminate the criteria associated with the City's off-site mitigation option that would be eliminated by this amendment.

f) High quality successional forest -- If the entire site is high quality successional forest, the site may be developed at the allowed density with no more than 20% disturbance of the site. Those areas designated to remain natural shall be selected in a manner that protects or enhances adjacent or other on-site natural features. Development density can be transferred to non-environmentally sensitive areas at the density allowed by the existing land use category. If the

transfer option is not used, development may be permitted at a density of one (1) unit per two (2) acres.

g) Areas exhibiting active karst features (sink holes) -- No untreated stormwater will be allowed to enter active karst features. Stormwater discharged to active karst features must meet the following criteria:

(1) Runoff must be treated to comply with Sec. 17-25.700(2) F.A.C.;
(2) Discharge rate and volume shall not exceed predevelopment rate and volume;
(3) The area within the uppermost contour of an active sink, as determined by standard geotechnical evidence in consideration of soil types, slopes, vegetation, topography and geologic features shall remain natural. A transitional buffer from the uppermost contour may also be required;
(4) There will be no discharge of water to an active karst feature from any land use, which uses, produces or generates as waste any listed Resource Conservation and Recovery Act material or listed Environmental Protection Agency priority pollutant.

h) Designated canopy roads (*Revision Effective 6/28/02*) -- Development can be permitted at a density consistent with the density allowed by the existing land use category, provided that the following are done:

(1) No clearing may occur in the canopy road zone (cpz)(100 feet from center line of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public or, for linear sidewalk improvements when practical given the unique attributes of the particular site as approved by the local government provided they meet the following criteria:
    (a) Clearing in the canopy road zone will be kept to a minimum.
    (b) A variety of surfaces will be evaluated for use in the sidewalk/pathway through the cpz based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.
    (c) Sidewalks may not always be required in the cpz given the impact to the cpz or encroachment on other conservation or preservation features.
(2) Any part of the canopy road zone that is cleared or has trees removed from it must be widened by the same amount that was removed;
(3) A full analysis of the impact of a development on the affected canopy road must be submitted at the time of development review;
(4) Joint access to canopy roads will be utilized unless there is no alternative. New cuts into canopy roads must be designed to serve more than one property development

Conservation Areas Summary Chart ~~**(City of Tallahassee)**~~ *(Revision Adopted 1/7/10)*

	Transfer	Develop
Altered Floodplains and floodways	Density per land use category	Density per land use if (1)*
Altered Wetlands (City only)	Density per land use category	May only be used for storm-water treatment facility if wetlands are degraded **
Altered watercourses, improved elements of primary drainage system	Density per land use	None

Closed basin	Density per land use	Density per land use if (2)*
Significant grades (6) (10-20%)	Density per land use ~~unless (6)*~~	Density per land use if (3)* or 1 unit per acre ~~unless (6)*~~
High quality successional forest	Density per land use	Density per land use if (4)* or 1 unit per acre
Active karst features	Density per land use. No untreated storm-water, *meet all additional criteria.	Density per land use. No untreated stormwater, *meet all additional criteria.
Designated Canopy Roads	Density per land use	Density per land use if (5)* or 1 unit per acre. 100 ft. zone applies.

**footnotes* *(1) Provided it does not increase flow or displace volume.*
(2) There must be sufficient stormwater capacity within the closed basin.
(3) Provided:
a) Topographical changes are minimized.
b) 50% of grade left undisturbed (or under approved vegetation management plan)
c) Small areas of severe grades within significant grades may be treated as significant grades.
(4) Provided development is clustered and there is no more than 20% disturbance of the site.
(5) Provided all requirements are met, i.e., 100 foot zone, authorized access with no alternative or health safety and welfare of public, analysis of impact, joint access.
(6) ~~Off-site mitigation plan is approved per land development regulations consistent with the Comprehensive Plan. (Effective 7/1/04)~~The Comprehensive Plan only regulates significant grades outside of the Urban Service Area.

*** Design of the stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.*

Staff Note: "City of Tallahassee" is proposed for removal form the Conservation Areas Summary Chart to establish this chart as part of a unified City and County policy. Note six in the chart is also amended to remove reference to the off-site mitigation option and to clearly indicate that the Comprehensive Plan only regulates significant grades outside of the Urban Service Area.

~~**Policy 1.3.2: [C]** *(Revision Effective 6/07/01; Revision Effective 7/26/06)* **Leon County Only**~~

~~Potential development within areas of the conservation overlay district shall exhibit best environmental management practices with the emphasis on designing with nature. Assessed impact upon natural resource determines density and/or intensity within a prescribed range within which the parcel is located. Planned development is required for approval. Strict performance requirements will be applied. The major criterion for approval shall be the continued functioning, with minimum disturbances, of the ecosystem, which the development is impacting.~~

~~Conservation area development criteria are as follows:~~

~~**a) Altered floodplains and floodways** – Development will be allowed in these areas as long as it does not impede water flow or displace volume (development will be allowed~~

~~at the density consistent with the land use category). Density can be transferred out of these areas at a density reflective of the density permitted by the existing land use category.~~

~~**b) Altered watercourses and improved elements of the primary drainage system**ð No development allowed in these areas, development density will be transferred out of these areas at a density reflective of the density permitted by the existing land use category.~~

~~**c) Altered Wetlands (City of Tallahassee Only)** - May only be used for a stormwater treatment facility if wetlands are degraded. Design of any stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.~~

~~**d) Closed basins** - These areas will be permitted to develop only to the extent that there is sufficient stormwater capacity within the basin. Development will be permitted reflective of the density allowed by the existing land use category.~~

~~**e) Significant grade areas (10-20%)**- The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. The density and intensity of the proposed land use and its resulting impervious or disturbed area should be suitable for the site. It is not the intent of this policy to regulate man made slopes.~~

~~Development will be allowed at a density reflective of the density permitted by the existing land use category. Development will be permitted provided the following are done:~~

~~(1) Minimize any topographical changes. Minimal grade changes typically associated with site development include those necessary for the safety of a building, parking area, road right-of-way, handicapped access, or associated utilities, including stormwater management system.~~
~~(2) A minimum of 50% of the grade must be left undisturbed or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas.~~
~~(3) Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.~~
~~(4) The implementing LDRs shall address erosion, local topography, water quality and existing vegetation as appropriate; and will contain specific conditions under which additional development with greater than 50% impact can be granted in significant grade areas within the urban service area to:~~

~~a. Encourage urban infill in the urban core (see urban core map); or~~
~~b. Create new, high wage employment (may be based on a minimum annual wage, number of jobs created, and limited to exclusive office and industrial~~

~~The additional flexibility that may be granted under this section is not limited by Conservation Policy 1.3.7 [C]. *(Effective 6/07/01)*~~

~~Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category.~~

~~f) **High quality successional forest** -- If the entire site is high quality successional forest, the site may be developed at the allowed density with no more than 20% disturbance of the site. Those areas designated to remain natural shall be selected in a manner that protects or enhances adjacent or other on-site natural features. Development density can be transferred to non-environmentally sensitive areas at the density allowed by the existing land use category. If the transfer option is not used, development may be permitted at a density of one (1) unit per two (2) acres.~~

~~g) **Areas exhibiting active karst features (sink holes)** -- No untreated stormwater will be allowed to enter active karst features. Stormwater discharged to active karst features must meet the following criteria:~~

~~(1) Runoff must be treated to comply with Sec. 17-25.700(2) F.A.C.;~~
~~(2) Discharge rate and volume shall not exceed predevelopment rate and volume;~~
~~(3) The area within the uppermost contour of an active sink, as determined by standard geotechnical evidence in consideration of soil types, slopes, vegetation, topography and geologic features shall remain natural. A transitional buffer from the uppermost contour may also be required;~~
~~(4) There will be no discharge of water to an active karst feature from any land use, which uses, produces or generates as waste any listed Resource Conservation and Recovery Act material or listed Environmental Protection Agency priority pollutant.~~

~~h) **Designated canopy roads** (*Revision Effective 6/28/02*) -- Development can be permitted at a density consistent with the density allowed by the existing land use category, provided that the following are done:~~
~~(1) No clearing may occur in the canopy road zone (cpz)(100 feet from center line of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public or, for linear sidewalk improvements when practical given the unique attributes of the particular site as approved by the local government provided they meet the following criteria:~~
~~(a) Clearing in the canopy road zone will be kept to a minimum.~~
~~(b) A variety of surfaces will be evaluated for use in the sidewalk/pathway through the cpz based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.~~
~~(c) Sidewalks may not always be required in the cpz given the impact to the cpz or encroachment on other conservation or preservation features.~~
~~(2) Any part of the canopy road zone that is cleared or has trees removed from it must be widened by the same amount that was removed;~~
~~(3) A full analysis of the impact of a development on the affected canopy road must be submitted at the time of development review;~~
~~(4) Joint access to canopy roads will be utilized unless there is no alternative. New cuts into canopy roads must be designed to serve more than one property development.~~

~~**Conservation Areas Summary (Leon County)**~~

	Transfer	Develop
Altered Floodplains and floodways	Density per land use category	Density per land use if (1)*
Altered Wetlands (City only)	Density per land use category	May only be used for storm-water treatment facility if wetlands are degraded **
Altered watercourses, improved elements of primary drainage system	Density per land use	None
Closed basin	Density per land use	Density per land use if (2)*
Significant grades (10-20%)	Density per land use	Density per land use if (3)*
High quality successional forest	Density per land use	Density per land use if (4)* or 1 unit per acre
Active karst features	Density per land use. No untreated storm-water, *meet all additional criteria.	Density per land use. No untreated stormwater, *meet all additional criteria.
Designated Canopy Roads	Density per land use	Density per land use if (5)* or 1 unit per acre. 100 ft. zone applies.

*footnotes (1) Provided it does not increase flow or displace volume.
(2) There must be sufficient stormwater capacity within the closed basin.
(3) Provided:
a) Topographical changes are minimized.
b) 50% of grade left undisturbed (or under approved vegetation management plan)
c) Additional flexibility available through the LDRs for urban core and high wage employment.
d) Small areas of severe grades within significant grades may be treated as significant grades. (Effective 6/07/01)
(4) Provided development is clustered and there is no more than 20% disturbance of the site.
(5) Provided all requirements are met, i.e., 100 foot zone, authorized access with no alternative or health safety and welfare of public, analysis of impact, joint access.
** Design of the stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.

Staff Note: The entire "Leon County Only" version of Policy 1.3.2 [C] above is proposed for removal as part of the establishment of a unified City and County version of policy. The previous staff notes in this document describe the proposed changes to create the unified policy.

Policy 1.3.3: [C] (City of Tallahassee Only) *(Effective 7/26/06; Revision Effective 1/7/10)*

When conservation features are present, mitigation via the transfer of development to non-environmentally sensitive areas on site is preferable. Land development regulations shall be developed

~~that permit off-site mitigation for significant grades on properties within or adjoining Capital Circle, south of Interstate 10 that meet the criteria set forth in the Conservation Element. Density transfer shall be within the parcel; no off-site transfer of density is permitted except as provided for in Policy 1.3.13 [C] of this element. Transfer of development density to non-environmentally sensitive areas on-site will be allowed up to the density permitted by the future land use category in which the parcel is located. The amount of density transfer may be limited by other applicable requirements and ordinances implemented during the development review process, such as requirements for stormwater retention, open space and landscaping, buffer, setbacks, parking, transportation access and any concurrency requirements. If there is no area on the site suitable for transfer and off-site mitigation is not available or used, development will be allowed at one unit per acre unless otherwise stated. Where open space requirements are part of the land development code, 50% credit may be given for conservation areas that are preserved. In no case can the density on the developable portion of the site be more than double the allowed density of the Land Use category in which the parcel is located. In order to allow development to reach their maximum density, development within the Downtown Overlay shall be exempt from the significant and severe slope requirements established within the conservation overlay.~~

Policy 1.3.3: [C] ~~(Leon County Only)~~ *(Effective 7/26/06)*

In all cases the transfer of development to non-environmentally sensitive areas is preferable. Density transfer shall be within the parcel; no off-site transfer is permitted. Transfer of development density to non-environmentally sensitive areas will be allowed up to the density permitted by the future land use category in which the parcel is located. The amount of density transfer may be limited by other applicable requirements and ordinances implemented during the development review process, such as requirements for stormwater retention, open space and landscaping, buffer, setbacks, parking, transportation access and any concurrency requirements. If there is no area on the site suitable for transfer, development will be allowed at one unit per acre unless otherwise stated. Where open space requirements are part of the land development code, 50% credit may be given for conservation areas that are preserved. In no case can the density on the developable portion of the site be more than double the allowed density of the Land Use category in which the parcel is located.

Staff Note: The "City of Tallahassee Only" version of Policy 1.3.3 [C] is proposed for removal and the "Leon County Only" version of the policy is established as a unified policy. The only existing difference between the two versions of the policy is that the City version includes specifics regarding the off-site mitigation option proposed for removal.

PRESERVATION AREAS

Policy 1.3.4: [C] ~~(City of Tallahassee only) *~~ *(Revision Effective 12/10/91; Renumbered Eff. 7/26/06)*

The following natural features shall be identified and mapped prior to rezoning or development and be regulated as preservation areas:

a) Wetlands and waterbodies and water courses;
b) Severe grades over 20% (only required outside of the Urban Service Area);
c) Native forests;
d) Undisturbed/undeveloped 100 year floodplain; and
e) Areas of environmental significance
f) Habitats of endangered, threatened and species of special concern.

~~**Policy 1.3.5:** **[C]** (Leon County only) *~~ ~~*(Revision Effective 12/10/91; Renumbered Effective 7/26/06)*~~

~~The following natural features shall be mapped and be included in the preservation overlay~~

~~a) Wetlands and waterbodies and water courses;~~
~~b) Severe grades over 20%;~~
~~c) Native forests;~~
~~d) Undisturbed/undeveloped 100 year floodplain; and~~
~~e) Areas of environmental significance~~
~~f) Habitats of endangered, threatened and species of special concern.~~

~~** See Explanation of Environmental Overlays in Land Use Element*~~

Staff Note: The above changes create a unified City and County policy regarding Preservation Areas and notes that severe grades are only regulated by the Comprehensive Plan outside the Urban Service Area. The minor differences in the opening text for each policy do not impact how the Preservation Areas are regulated. The City version of the policy provides clearer direction and was selected for the unified policy.

Policy 1.3.6: **[C]** *(Revision Effective 12/7/99; Revision Effective 7/26/06)*

Development approval within the preservation ~~overlay districts~~ areas shall be restricted to extremely low density and intensity type projects due to the environmental constraints present. Alteration due to development would result in destruction or severe degradation of the natural resource function. As a result, these areas are unsuitable for all but extremely low-density development for one or more of the following reasons:

(1) To prevent degradation of water quality.
(2) To prevent degradation of freshwater storage capabilities.
(3) To prevent the degradation of biological productivity.
(4) To prevent damage to property and loss of life due to flooding.
(5) To prevent degradation of the viability and diversity of native plants and animals and their habitats.
(6) To assure the conservation of irretrievable or irreversible resources.

Preservation areas development criteria are as follows

Preservation Areas

	Transfer	Develop
Wetlands, water bodies, water courses*	Density per land use	1 unit per 40 acres
Severe grades (only required outside of the Urban Service Area)	Density per land use	1 unit per 40 acres**
Native forest	Density per land use	1 unit per 40 acres

Areas of environmental Significance	Density per land use	1 unit per 40 acres
Undisturbed/undeveloped 100 year floodplains	Density per land use	1 unit per 40 acres
Habitat of endangered, threatened, or species of special concern	Density per land use	1 unit per 40 acres, management plan

** Footnote: Any portion of a site within a water body, which is also a preservation area, shall be excluded when calculating a transfer.*

***Footnote: When an area of significant grades contains within its boundaries small fragments of severe grades, the criteria for development within significant grades may be authorized. (Effective 6/07/01)*

Staff Note: Minor changes are proposed to Policy 1.3.6 [C] above to provide consistency with other substantive changes proposed.

Policy 1.3.7: **[C]** *(Revision Effective 9/19/9; Renumbered Effective 7/26/06)* ~~**Leon County Only**~~

Development must be clustered away from preservation areas on to non-environmentally sensitive portions of the site. Clustering development outside conservation areas shall be the preferred option and shall be implemented through the use of density incentives to be applied on-site.

Policy 1.3.8: **[C]** *(Revision Effective 7/1/04; Renumbered Effective 7/26/06)* ~~**City of Tallahassee Only**~~

~~Development must be clustered away from preservation areas on to non-environmentally sensitive portions of the site. Clustering development outside conservation features shall be the preferred option except where the conservation features consist solely of significant grades, an off-site mitigation plan has been approved and no other conservation or preservation features will be affected, and shall be implemented through the use of density incentives to be applied on-site.~~

Staff Note: "City of Tallahassee Only" Policy 1.3.8 [C] is proposed for removal and "Leon County Only" Policy 1.3.7 [C] is established as a unified City and County policy. The only difference between the existing policies is that the City version provides direction for the off-site mitigation option that is now proposed for removal.

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Policy 1.3.12: **[C]** *(Effective 9/19/91; Renumbered Effective 7/26/06)* ~~**Leon County Only**~~

When there are no non-environmentally sensitive areas on which to cluster on a parcel, the allowable density must be clustered in the portion of the site that will have the least impact on the natural resource being impacted.

Policy 1.3.13: **[C]** *(Revision Effective 7/1/04; Renumbered Effective 7/26/06)* ~~**City of Tallahassee Only**~~

~~When there are no non-environmentally sensitive areas on which to cluster on a parcel, the allowable density must be clustered in the portion of the site that will have the least impact on the natural resource~~

~~being impacted unless the conservation features consist solely of significant grades, an off-site mitigation plan has been approved and no other conservation or preservation features will e affected.~~

Staff Note: "City of Tallahassee Only" Policy 1.3.13 [C] is proposed for removal and "Leon County Only" Policy 1.3.12 [C] is established as a unified City and County policy. The only difference between the existing policies is that the City version provides direction for the off-site mitigation option that is now proposed for removal.

Policy 1.3.14: [C] *(Effective 7/1/04; Renumbered Effective 7/26/06)* ~~**City of Tallahassee Only**~~

~~Environmental and ecological services shall be taken to include habitat, nutrient uptake, carbon sequestration, flood detention, water storage, and related function. Without measures to ensure their continued delivery, off-site mitigation may result in a net loss of such services and their economic contribution to the community. Consequently, the hierarchy of preferred development strategies shall be as follows:~~

~~(1) Design development to be compatible with conservation and preservation features on site (No mitigation required).~~

~~(2) Design development to avoid, or minimize or ameliorate impacts to conservation and preservation features on site (On-site mitigation).~~

~~(3) Local government may adopt land development regulations that provide an off-site mitigation option for properties in certain locations that contain significant grades greater than a certain size or percentage of the parent tract. Such off-site mitigation may be employed in cases where an applicant demonstrates that neither (1) nor (2) can be realistically achieved by design subject to existing zoning and environmental permitting requirements (Off-site mitigation).~~

~~a) In no instance shall the off-site mitigation option be employed where the subject area adjoins other conservation or preservation features and the environmental services collectively provided would be measurably diminished.~~

~~b) In all instances, employment of the off-site mitigation option shall preclude the use of site design alternatives that reduce the percentage of the site dedicated to landscaping or natural area preservation.~~

~~c) Pursuant to policies or programs to improve the quality of receiving waters, including Surface Water Improvement and Management (SWIM) Plans, Total Maximum Daily Loads (TMDLs), Stormwater Pollutant Reduction Programs, and Lake Management or Action Plans, local government may establish stricter standards for stormwater treatment for sites employing off-site mitigation.~~

Staff Note: "City of Tallahassee Only" Policy 1.3.14 [C] is proposed for removal. This policy establishes the framework for the off-site mitigation option that is proposed for removal.

Policy 1.3.15: **[C]** *(Effective 7/1/04; Renumbered Effective 74/26/06)* ~~**City of Tallahassee Only**~~

~~Local government recognizes that the design of a site is in part an economic decision, and that offsite mitigation may be accomplished by several means. Consequently, the preferred hierarchy of off-site mitigation strategies for significant grades shall be as follows:~~

~~(1) Participation in a mitigation bank established within the same major drainage basin that is managed to generate all of the environmental services provided by significant grades.~~
~~(2) Participation in a mitigation bank established in another major drainage basin that is managed to generate all of the environmental services provided by significant grades.~~
~~(3) Via conservation easement or similar instrument, bona fide preservation and management on other property owned or to be acquired by the applicant equal to twice (two times) the acreage of significant grades on-site to be mitigated.~~
~~(4) Fees-in-Lieu provided to Local Government to acquire and manage property to compensate for the loss of environmental services provided by significant grades, plus a stormwater management surcharge to compensate for within-drainage basin impacts attributable to the loss of significant grades.~~

Staff Note: "City of Tallahassee Only" Policy 1.3.14 [C] is proposed for removal. This policy provides specific direction for the off-site mitigation option that is proposed for removal.

ORDINANCE NO. 13- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE, BY AMENDING SECTION 10-4.327, TOPOGRAPHIC ALTERATIONS.

PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

SECTION 1: Section 10-4.327 of the Code of Laws of Leon County, Florida, is hereby amended as follows:

Sec. 10-4.327. Topographic alterations.

All projects involving alteration of the contour, topography, use or vegetation cover of land, shall comply with the following minimum standards:

(1) Same.

(2) *Grade change limitations.* It is the intent of this article to minimize alterations of the natural topography of land within the county.

a. The type, intensity, and structural design of each proposed development project shall be consistent with and compatible with natural pre-development topography and characteristics of the proposed site.

b. Alterations of natural topography shall not exceed the absolute minimum necessary to develop a site safely. Design criteria will emphasize site designs that fit the topography to the best extent possible , not change the topography to fit the design. Any development proposed for a site shall be appropriate to the existing natural topographical characteristics of the site, while recognizing that minimal grade changes are essential to site development.

c. ~~Unincorporated Area of the County.~~ The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. Man-made slopes shall not be regulated. ~~Within the unincorporated area of the County, d~~Development in sloped areas of ten percent and above shall be permitted as follows:

1. Inside the Urban Service Area:
   (a) Off-grade construction techniques shall be utilized to minimize clearing and topographic alteration, and shall provide (and clearly delineate on-site) specific clearing limits to restrict clearing and topographic alterations to the minimum area necessary for construction of the permitted facilities and reasonable construction access.
   ~~2.~~ (b) A minimum of 50% of significant (ten percent to 20 percent slope) grade areas must be left undisturbed if located adjacent to or within 100 feet of wetlands, waterbodies, watercourses, floodways, floodplains, karst features or special development zones. ~~or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas.~~ This requirement may be met by preserving 50 percent of each individual area or 50 percent of the total grade areas.
   ~~3.~~ (c) Severe grade areas (greater than 20 percent slope) shall remain undisturbed if located adjacent to or within 100 feet of wetlands, waterbodies, watercourses, floodways, floodplains, karst features or special development zones. Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.
   ~~4.~~ (d) All significant and severe grades required to be undisturbed shall be preserved in their pre-development state by conservation easement.

~~5. Urban service area only: All isolated significant slopes that are 0.25 acres or less in size shall not be protected. All other significant slopes may be disturbed more than 50% provided the following criteria are met:~~
   ~~(a) The disturbance is necessary to encourage urban infill in the urban core or to create new, high wage employment.~~
   ~~(b) If a non-residential site is less than or equal to three acres in size with no other preservation features present on the site.~~
   ~~(c) All residential development qualifies for the additional disturbance.~~
   ~~(d) Stormwater treatment shall be off-line retention equal to the first ½ inch of runoff with full recovery within 72 hours. If it can be demonstrated that retention is not achievable due to soil and site~~

~~characteristics, wet detention, in accordance with Section 10-4.301(2)(b)(i) and FDEP regulations, will be allowed. If wet detention is not achievable due to site characteristics, the County Administrator or designee may allow other treatment alternatives if it can be satisfactorily demonstrated that the alternative provides a pollutant removal efficiency of 80% or greater.~~

~~6.~~ (e) The county administrator or designee may allow limited exemption from these grade change limitations for approved roadway projects, provided that the permit application related to such project includes: ~~(a) A~~appropriate restrictive limits of areas as to clearing and topographic alteration~~.~~; ~~(b) A~~approved erosion and sediment control plans~~.~~; and ~~(c) A~~an evaluation of alternatives which support the allowance of an exemption.

2. Outside the Urban Service Area:

(a) Off-grade construction techniques shall be utilized to minimize clearing and topographic alteration, and shall provide (and clearly delineate on-site) specific clearing limits to restrict clearing and topographic alterations to the minimum area necessary for construction of the permitted facilities and reasonable construction access.

(b) A minimum of 50% of significant (ten percent to 20 percent slope) grade areas must be left undisturbed or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas. This requirement may be met by preserving 50 percent of each individual area or 50 percent of the total grade areas.

(c) Severe grade areas (greater than 20 percent slope) shall remain undisturbed. Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.

(d) All significant and severe grades required to be undisturbed shall be preserved in their pre-development state by conservation easement.

(e) The county administrator or designee may allow limited exemption from these grade change limitations for approved roadway projects, provided that the permit application related to such project includes: appropriate restrictive limits of areas as to clearing and topographic alteration; approved erosion and sediment control plans; and an evaluation of alternatives which support the allowance of an exemption.

~~d. Incorporated Area of the County. Significant grade areas (natural grades between and inclusive of ten percent and twenty percent of at least ¼ acre in size). If the slope between any two adjacent one-foot interval contour lines is greater than or equal to ten percent but less than or equal to 20 percent, then a significant grade area exists and shall be regulated as set forth below. The intent of protecting significant grades is to maintain local topography and minimize erosion, maintain existing vegetation, and protect water quality. Significant grades shall be depicted on any natural features inventory required under this chapter using contour intervals of no greater than two feet. Maps shall be prepared in accordance with the minimum technical standards for topographic surveys set forth in Chapter 61G17-6, Florida Administrative Code (FAC), as it may be amended from time to time. Alternatively, the city's Geographic Information System (GIS) two-feet contour maps may be used to determine the grades until such time that site-specific topographic survey information is available. Site-specific topographic survey information shall use one-foot contour intervals and shall be provided no later than at the time the environmental impact analysis required under this chapter is submitted for review. Within the incorporated area of the County, development in sloped areas of ten percent and above shall be permitted as follows:~~

~~1. Standard. Except as provided for in subsection (a)(2)d.2.—4. below, a minimum of 50 percent of significant grade areas shall be left undisturbed and shall be placed in a conservation easement dedicated to the city. Development activity in the conservation easement is prohibited, except that vegetation management activities that enhance the vegetation and are specifically allowed in a vegetation management plan approved by the Director of the City of Tallahassee Growth Management Department may be permitted. Examples of vegetation management activities include, but are not limited to, pruning of dead and hazardous tree limbs and control of invasive vegetation. The significant grades placed in a conservation easement shall be those significant grade areas that provide the greatest environmental benefit as determined by the Director of the City of Tallahassee Growth Management Department (i.e. provides downhill buffers, protects forested areas, buffers other protected conservation or preservation areas, or provides similar environmental benefits). In~~

~~order to minimize topographic changes, development within the significant grade areas not placed in a conservation easement shall utilize off-grade construction (including stem wall construction), use best management practices (design the building to take advantage of the natural topography, etc.), and shall limit the height of retaining walls to 15 feet. Multiple retaining walls may be allowed for terracing. The height of all retaining walls (excluding stem walls constructed as part of a building foundation) shall not exceed 15 feet. The distance between retaining walls shall be, at a minimum, twice the height of the wall that is abutting the area and higher than the area. Any retaining wall three feet in height or greater shall require a building permit.~~

~~2. Development within the Downtown Overlay shall be exempt from the significant and severe slope requirements.~~

~~3. Offsite mitigation exception. Offsite mitigation for significant grades shall be permissible consistent with the provisions of this subsection.~~

~~A. Locations are eligible for the off-site mitigation option if:~~

~~i. The site lies south of Interstate-10 and either adjoins or is interior to Capital Circle;~~

~~ii.The site is not within a Planned Development (PD), or Planned Unit Development (PUD);~~

~~iii. The site is served by a roadway constructed to city standards and for which there is adequate roadway capacity;~~

~~iv. All other infrastructure, including water, central sewer, and electric infrastructure, is available to serve the site;~~

~~v. The significant grades do not include nor are they adjacent to previously protected preservation or conservation features on site for which off-site mitigation is not an option; and~~

~~vi. In the opinion of the Director of the City of Tallahassee Growth Management Department, the significant grades onsite are not critical for buffering or maintaining ecological integrity of preservation features or other conservation features onsite or on an adjoining parcel;~~

~~B. Demonstration of necessity for off-site mitigation.~~

~~i. The applicant shall demonstrate to the satisfaction of the Director of the City of Tallahassee Growth Management Department that the development cannot be made compatible with the significant grades on site; and~~

~~ii. The applicant shall demonstrate to the satisfaction of the Director of the City of Tallahassee Growth Management Department that the development cannot avoid, ameliorate, or minimize impacts to the significant grades on site.~~

~~C. Employment of the off-site mitigation option:~~

~~i. Employment of the off-site mitigation option shall preclude the use of incentives, including subsections 5-85(e) and 5-86(f)(1) of the City's Code, that reduce the percentages of the site dedicated to landscaping or urban forest preservation.~~

~~ii. An off-site mitigation plan for the development of significant~~

~~grades onsite has been approved and in the opinion of the Director of the City of Tallahassee Growth Management Department provides net environmental benefits.~~

~~iii. If there exists within the same drainage basin as the site of the proposed development a mitigation bank that is managed to provide environmental services ordinarily provided by significant grades, such as topographic diversity and the presence of vegetation communities~~

~~commonly associated with significant or severe grades, then the applicant shall be directed to participate in that mitigation bank.~~

~~iv. If a mitigation bank consistent with the intent of paragraph 5-81(a)(2)d.3.C.iii. of the City's Code does not exist within the same major drainage basin as the site, the applicant shall be directed to participate in a mitigation bank located elsewhere.~~

~~v. If no mitigation banks exist consistent with the intent of paragraphs 5-81(a)(2)d.3.C.iii and 5-81(a)(2)d.3.C.iv of the City's Code, the applicant shall acquire or use a conservation easement or similar instrument to protect in perpetuity lands that are twice (two times) the area of the significant grades onsite to be mitigated and that are located within the same major drainage basin. It shall be preferred that such lands be contiguous and not fragmented.~~

~~vi. If no such property can be protected under paragraph 5-~~

~~81(a)(2)d.3.C.v of the City's Code, an applicant may pay a fee in lieu. The amount shall be calculated as follows: Three hundred percent of the property appraiser's assessed value for the property, divided by the total square footage of the property, and multiplied by the number of square feet of the significant grades onsite to be mitigated. This amount shall be deposited into an account whose sole purpose is to acquire and manage lands that provide the environmental benefits associated with significant grades.~~

~~D. Any site employing the off-site mitigation option for significant grades shall comply with any applicable stormwater standards adopted to further compliance with total maximum daily loads (TMDLs) or other surface water management programs or plans adopted by local Government.~~

~~4. High wage employment exception. Development in more than 50 percent of the significant grade areas may be permitted at the discretion of the City Commission for any proposed development (no matter where it is located) that exclusively contains industrial and/or office uses that create a significant number of new high wage employment. In deciding whether to grant such an exception, the City Commission shall conduct a public hearing and may consider factors like the number of jobs that are proposed to be created, the average annual wage of the jobs that are proposed to be created in comparison to the average annual wage of Leon County, and the applicant's long-term level of commitment and ability to provide the jobs.~~

~~5. Sediment and erosion controls for properties with significant grades. Properties containing significant grade areas shall install a "heavy duty silt barrier" for sediment and erosion control. The "heavy duty silt barrier" shall consist of a double row of type IV silt fence (as referenced in the state department of transportation's "Roadway Traffic Design Standards" and the state department of environmental regulation's "The Florida Development Manual: A Guide to Sound Land and Water Management"). One row shall be placed at the toe of the slope. The other row shall be placed ten feet beyond the toe. The silt fence placed beyond the toe shall be a silt barrier that consists of a type IV silt fence supported by "hog wire" fence. Wooden posts shall be six feet long and four inches in diameter and placed a minimum of two feet into the ground to support the "hog wire" fence. A continuous row of hay bales staked two feet on-center shall face the toe of the slope. All silt fences and hog wire fences shall be trenched and extended six inches below grade. Wooden posts shall be installed eight feet on-center on the downhill side of the trench. The Director of the City of Tallahassee Growth Management Department may approve an~~

~~alternative sediment and erosion control plan if it is demonstrated by the applicant that such alternative provides a higher level of protection.~~

(3) (same)

SECTION 12. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended, which provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.

SECTION 13. Severability. If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 14. Effective date. This ordinance shall be effective according to law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this ____ day of _____, 2013.

LEON COUNTY, FLORIDA

BY: _____
_____, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE

BY: _____
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

2005 City Focus Group

Request to the Focus Group

Thank you for assisting me with the slopes issue in our community. I appreciated the direct and nonconfrontational dialogue from each of you during our discussions on this matter. Your different perspectives and backgrounds should significantly contribute to this process. As we discussed on Tuesday, I am looking for you to send me clear bullets on what you feel should be the purpose and intent of slope preservation, if any. If you feel they should not be protected, I also would expect clear statements as to why they should not be protected. After I have received comments from the entire group, I will assemble for all to review. Please have your comments back to me by this Thursday (8/25/05) so that I can keep this process moving.

As I mentioned on Tuesday, we will assemble every policy and code language that addresses each of your issues related to slope preservation. Once this information is put together, I will distribute and call our second meeting.

Again, thanks for your participation.

Wayne

Tom Asbury

All development creates problems whether you are developing on a flat piece of dirt or a slope. We have put in place a very restrictive set of ordinances to deal with the problems associated with developing land. Let's use it for that purpose.

I see no good reason for restricting sloped areas other than to create more green space in a development. Our comp plan designates we should develop to a higher density within the urban core in order to take advantage of the very expensive infrastructure.

If we want to set aside an area within a development that will remain green (water feature, landscaped, etc.) then let's decide what percent it should be, live with it, and build on the balance of the property.

Nancy Miller

I want to second Laurie's comment that these areas that are off limits to development should not be taxed at the rate applied to other property. For a long time I've wondered why a different taxing structure didn't exist for wetlands, severe grades, unique forest stands (native and hi quality successional) and to some extent floodplain. If the community wants these areas protected, the land owner should get some benefit for having that unique resource on his property.

I just thought of something I left out - soil types and rainfall amounts and intensity. The soil types - Orangeburg, Dothan and Norfolk – are very erodable and are concentrated in

the Red Hills area, which is under the most intense development pressure. Couple those soils with the rainstorms we have, unique in their intensity but also in high volumes, and you have very sensitive and potentially unstable situation.

Now I'll read what the rest of you wrote.

In reviewing some old records as to how the slopes protection came about, I find that it was originally in the city and county ordinances prior to the development of the comp plan. Respect for local topography was apparently just common sense back then. That practice has stayed in place today. Both local jurisdictions stress the need to coordinate the land use with the natural topography.

Why protect slopes?
- Community character. This community is identified by its rolling hills and the people who live here are proud of the way their community looks. Every advertising effort to attract business and people to Tallahassee touts the beauty of rolling hills (and the tree cover). The ups and downs of Mahan Drive, Apalachee Parkway, and all our local roads make traveling through town interesting and pleasurable. The topography makes us different from the rest of Florida - we have topography, yet we're only a few miles from the coast.
- Maintaining the integrity of the land itself. Vegetation is not just what appears on top of the land. The root mass below the surface makes up a complex matrix, developed over hundreds of years, that holds the ground together. That matrix may extend deep into the land surface and when the vegetation is removed, that matrix begins to fall apart. Replanting takes a long time, if ever, to recreate that matrix.
- Erosion, water quality degradation and the TMDL issue. Everyone knows that we have a problem with sedimentation degrading area streams and lakes. Sedimentation just plain smothers an aquatic ecosystem. And since there is so much phosphorus in our soils, that sedimentation creates the added problem of nutrient pollution. Local government is currently under negotiation with EPA and FL DEP as to the amount of phosphorus that can be allowed in area waterbodies (TMDL) and that phosphorus is attached to soil particles. At a February 7, 1990 special city commission meeting, a member of the EMO citizens committee said, "the Federal Register had reported that the two primary causes of urban pollution were those that resulted from the oil and grease from roadways and FROM CONSTRUCTION, ESPECIALLY WITH SEDIMENT FROM CONSTRUCTION SITES." Right now those slopes where vegetative cover is intact help to prevent soil erosion.
- Saves taxpayer money. Stringent standards that prevent the alteration of that vegetative integrity I talked about help to ensure that we don't face higher costs to treat pollution and runoff, to build stormwater ponds, to restore waterbodies and to pay EPA fines. Keeping those slopes as undisturbed as possible actually saves taxpayers money. NOTE: It's not enough to say "Well, we'll make the erosion controls stronger." The controls we have now aren't doing the job. There is not enough enforcement, and it's just really difficult to control erosion anyway.
- Severe slopes usually harbor other preservation features and are areas of biological diversity.

In closing I'd like to add two comments:
Severely impacted watersheds around the country like the Chesapeake Bay, Puget Sound and the Great Lakes Basin are moving into developmental practices called low impact development (LID). Important premises of LID are that the land use is coordinated with the natural topography of the site and that the site is graded as little as possible. Now reread my first paragraph. Our city fathers knew this thirty years ago. What does that say for us?

Second, why are we here? Leon County is 445,000 acres in area. Outside of conservation areas we have 805 acres of severe slopes in the city and 1000 acres of severe slopes in the county. That's 0.4% of our land area. There are 17,000 acres of significant grades throughout the county (outside of present conservation areas) or 3.8% of our land area. Haven't we got more pressing problems?

Charles Pattison (8/17/05)

1. the JUSTIFICATION for slope protection IS RELEVANT for the following reasons as identified as preservation features in the comprehensive plan in order to prevent:

   degradation of water quality

   degradation of freshwater storage capabilities

   degradation of biological productivity

   damage to property/loss of life from flooding

   degradation of viability/diversity of native plants/animals and their habitats

   loss of irretrievable or irreversible resources.

   Further, an excerpt from "development criteria" for significant grades says:

   > "The intent of protecting sloped areas of ten percent and above is to Maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation."

   The above are as valid today as when they were adopted in 1992(?) Why change? This was a conscious statement of community policy that the public does not want ENGINEERED solutions to these issues, meaning, where possible, just leave slopes alone.

2. The point should be that each of the above factors are present in differing degrees. In other words, one site with slopes may not have anything to do with plant or

animal habitat or even flooding. If that's the case, then why should a restrictive standard be applied? There is no good answer.

I suggest staff consider a MATRIX of values be prepared in conjunction with the biological staff so that values are assigned to each factor. Factors totaling an agreed upon threshold would either be given more or less latitude to disturb or preserve a slope feature. When a draft is completed, it should be reviewed by an acceptable peer group of outside biologists.

However, if the staff is not comfortable with this approach, then I recommend NO CHANGE.

3. One key component not found in #1 above is the preservation of visual quality. A diverse landscape, with slopes, is one of the things that make Tallahassee unique. We don't want to look like anyplace USA.

   One problem with the current requirements is that they don't allow for flexibility in meeting the standards. For example, consider Policy 1.2.2(L):

   "The type, intensity and structural design of any development proposed for a site shall be appropriate to the existing natural topography."

Staff should develop criteria that biologist, engineers and citizens can agree upon that allows one to build even in a severe slope areas IF (1) a matrix as suggested in #1 above suggests approval, and (2) a design can be shown to not be detrimental to the protection of the slope at issue.

4. The engineering section needs to show why/how removing slope protection DOES NOT increase public costs of treating stormwater elsewhere, including offsite. Related to this, studies should be done to show WHY on-site stormwater retention is preferable to regionalized systems.

5. I believe INCENTIVES should be developed that promote the preservation (by recorded easement) of the most severe slopes, with the idea that a property owner with a high quality/most sensitive slope actually gets credit for having and maintaing such a feature. The "incentive" could be more density or intensity of uses that may even need to be transferred to another site.

6. What happened to **offsite mitigation**? My understanding is that this was added recently with no takers even though this was pointed to as the solution to "infill". Has this option been explained to the development community?

7. NO CHANGES should be made to slope protection without understanding the impact such changes could have to other ordinances, and vice versa, regarding other issues such as stormwater, native vegetation, density, lot size, etc.

8. How big a deal is this problem? Nancy Miller read off acreage figures that suggest this is a very small percentage of acreage for both the city and county. What is the push for any change?

9. Really should explore building height increases in most areas as a way to allow for more development without increasing the building footprint. This should be helpful EXCEPT within the historic district.

10. Really need to look at WHERE slope protection is critical, and in particular, where offsite mitigation is most appropriate. It would certainly seem that protecting very small, isolated slopes within the urban service boundary (unless there are some outstanding habitat are other factors) has less value that conserving larger, more intact systems elsewhere. So, I suggest our group also needs to look at the current line for where not only offsite mitigation is allowed, but possibly the creation of other "lines" that provide for more or less flexibility depending on the value of slopes in play.

Zoe Kulakowski

Attached is what I prepared this weekend focusing on why we need slope preservation. I am not against any proposal to allow development on some steep slopes such as the matrix Charles suggested, but the problem would be using criteria that would not be subjective. We would need concrete and defensible criteria. Perhaps some examples of high value and low value steep slopes could help here.

Slope protection is needed to prevent erosion, retain well-established vegetation, maintain topography, protect surface water and groundwater quality, and to protect habitat. Each aspect is discussed below in detail.

(1) One of the reasons for the regulations regarding significant (10% to less than 20%) and severe (greater than 20%) slopes is to control erosion. In Tallahassee, these steep slopes are often formed on clays and clayey soils that are easily eroded when the native vegetation is removed. Building on these slopes requires constant maintenance, repair and revegetation of the adjacent ground surface. Stormwater runoff erodes these clays, generating turbid runoff that produces deposits (deltas) at the bottom of the slopes or turbidity plumes in the downhill streams and water bodies.

(2) By retaining the native well-established vegetation, the soil is secured to the ground surface by ground plants, shrubs and trees. The leaves deflect the force of rainfall from disturbing the surface soil and this benefit is lost when the vegetation has been removed and mowed. A wide variety of plant types have a wide variety of root masses; some thick and close to the land surface and others (such as trees) may have roots that extend 10-30 feet below ground surface. To understand root mass benefit, think of rope that has many slender strings that would break as an individual but collectively produce a very strong rope. These established root masses increase the porosity/permeability of the soil and thus allow greater infiltration of stormwater into the soil. The more water that drains into the ground, the less that is available to flow over the land surface and erode the soil. The increased porosity of the soil is quickly lost when the vegetation is removed because

those root mass pathways decay and minimize in number and size without the living plant. The root mass also removes the nutrients from the stormwater when the plants take in water for their daily needs. The volume of groundwater extracted for plant needs can be substantial. Consider that each oak tree needs 30-40 gallons per day.

The native plants also slow the flow rate of stormwater by increasing the tortuosity (more curves and a longer flow path) and roughness (an engineering term that assigns a value for different ground covers. A forest has greater roughness than grass and grass is better than concrete.) The speed of flowing water has a direct relationship with its ability to erode and sediment carrying capacity and slow speeds are crucial to preventing erosion. Undisturbed native vegetation is denser in its coverage than any landscaping. Undisturbed native vegetation is also more effective than any engineered structure.

(3) Alteration of the topography is mainly an aesthetic impact. In the Appalachian area we see many former borrow areas converted into commercial property with the resulting cliff still visible behind the building. Any recontouring of the land surface removes the topsoil and organic component necessary for re-establishing vegetation as well as the roots.

(4) Eroded sediments affect surface water quality by the turbidity that reduces/eliminates water clarity. Any nutrients (from fertilizers) and pesticides previously applied to the soil are also now in the surface water. These nutrients and pesticides behave the same as they do in soil; encourage the growth of plants (flora) and kill small beneficial organisms (fauna) that are part of the food chain. The net result is an imbalance of flora and fauna where by not enough organisms remain to consume the excess plant growth.
Our area is dotted with sinkholes and other karst features that allow rapid connection between surface water and ground water. Some of these sinkholes are located on lake bottoms (Lake Jackson and Lake Lafayette) and other sinks are known to reverse flow, sometimes swallowing surface water and other discharging as a spring. We have gaining (from ground water recharge) and losing (surface water drains to ground water) streams and these conditions can reverse during the year.

(5) Erosion affects upland and aquatic creatures by destroying their habitat by burial. Many species have shelter in the soil and sediment, under logs and in the plants. Sediment burial and the turbidity in the water column limit the ability of aquatic creatures to find and capture food.

Typical stormwater treatment systems are capable of reducing the total pollutant load by 80-95% and phosphorus by 60%. Vegetation growth remains the best and most cost-effective way to remove nutrients from stormwater. In fact, the Everglades Restoration Project is building huge Stormwater Treatment Areas (STAs) that are no different from wetlands to reduce phosphorus.

Laurie Dozier
Given that I am not an engineer, a land planner, a geologist, a biologist, etc. the comments below are mainly observations based on what I've heard or read and personal opinions.

What I've heard or read:

-There are 450,000 acres in the City (or was it the County?)
-There are only 1,800 acres of severe slopes
-There are only 17,000 acres of significant slopes (of which 50% are currently allowed to be developed)
-Development of over 50% of significant slopes is allowed for urban infill and to create new high wage jobs
-Off-site mitigation is allowed
-Everything in Zoe's comments

My Thoughts

-If we are currently allowed to develop 50% of significant slopes on any site, are allowed to develop property with significant slopes if we have off-site mitigation and are allowed to develop more than 50% of significant slopes for urban in-fill or high paying jobs then the limitation on developing significant slopes seems to me to be based on feel-good notions rather than science.

-Zoe, while I understand and appreciate all that you have written, it seems to me that your comments apply to all property. Clearly, any development, regardless of topography, is a great step-down for the environment. It seems that the unique features of greater slopes is the soil type and the velocity - the more clay in the soil + the greater velocity of run-off = increased erosion. Since we are talking about developing property, not clearing it alone, the difference in steeper slopes seems to be controlling the run-off during construction. While I know first hand how improbable it is to design temporary controls for our 6" storm events, I would guess, given the limited number of acres in play, that the blowouts on properties with steep slopes, however great, would be significantly less than the combined flatter properties being developed.

-I would hope that property which currently can not be developed is not being taxed at the level of developable land, if it is, then I believe we owe those tax payers a refund.

So, what do I think?

Given:

-That significant slopes can already be developed
-That there is a very small amount of land designated as severely sloped
-That we expect development to continue in our community
-That we are talking only about land in the City limits

It seems to me that the main reason to keep significantly and severely sloped land undeveloped is because they may be unique and beautiful. Therefore, just as governments have been doing for some time, I believe our community should buy the land they want to preserve and allow our strong environmental ordinances to control how land is developed.

Cliff Lamb
Thank you for your efforts in this endeavor. In response to your request, I would first like to outline my observations to establish my frame of reference with regard to slope regulation.

Historically, developments were more self-regulated than code driven. You can see areas throughout the urban core that are vacant because they were passed over by development activities due to any number of reasons. Some of those were bypassed simply because they contained slopes. It is openly recognizable that development on sloped terrain creates its own difficulties for the developer and adds to the cost of construction and management, thus the earlier reference to self-regulated developments.

- A positive attribute of the historical development pattern is that slopes were reserved, as a practical matter, rather than regulation.

- A negative attribute of this development pattern was that urbanization was expanding more rapidly than the supporting infrastructure could handle.

Enter the Comprehensive Plan. Policies were emplaced to eliminate urban sprawl, control the urban core and develop only where the necessary supporting infrastructure was in place. I think that it is agreed that a fundamental premise of the comprehensive plan objectives is for infill before expansion.

The comprehensive plan also calls for the protection of natural features and list slopes within that category. This is a direct conflict with the concept of infill. If asked to evaluate the conflict, I would look at the benefit/cost to the community, on both sides of the issue.

The benefits of slope protection include wildlife habitat, soil conservation, green space for infiltration, as well as other elements that I trust will be adequately addressed by representatives of the committee. As a consultant sitting on the committee, I believe that I can provide perspective by summarizing the practical application of the regulations.

There are parcels today that meet all the concurrency requirements, sewer, water, transportation, schools, etc., and meet all the zoning requirements for density within the urban services area, but are restricted due to the slope regulations. Under-developing what would otherwise be "developable" parcels (with the zoning and concurrency, utilities, etc.) due to slope regulations only brings pressure to expand the urban service area to meet the un-serviced demand.

It was noted earlier that developing sloped parcels is more costly than flat parcels. These additional costs relate to cut and balance, stormwater management and construction practices to be employed. However, the cost of expanding the service area, extending or upgrading all fringe infrastructure, etc., far exceeds the cost of site management.

One comment in our initial meeting was that the quantity of lands influenced by the ordinance only represents a small percentage of the County. Be that as it may, then a counter argument would be the impacts from removal of the restriction would only affect a small percentage of the County. I think this argument is irrelevant- the issue remains policy,

> Is the magnitude of the benefit of slope protection equal to the magnitude of the cost of urban expansion that results from lost infill?

I look forward to the discussions. Thank you.

The Focus Group discussed the slope standards at length and agreed on the following recommendations, which should form the basis for proposed Comprehensive Plan amendments and Code revisions by the County. All recommendations are for proposed changes to the regulation of significant slopes, and the Focus Group recommends that all proposed revisions to the current slopes regulation be limited to inside the USA. The Focus Group recommends that the current regulations for severe slopes remain unchanged except for the interpretative clarification recommended in Number 5 below.

1. Exempt commercial sites inside the Urban Service Area from significant slope standards, provided the sites are less than or equal to three (3) acres in size with no other preservation features present on the site. Associated storm water impacts must be mitigated according to an approved storm water management plan.

2. For the purpose of meeting infill goals within the USA, allow residential development to occur on a significantly sloped site provided that:

- A grading plan is submitted and approved;
- Associated storm water and water quality impacts are mitigated based on performance-based guidelines implemented through the County's LDRs.
- The homeowners' association agrees to be responsible for assurance that storm water management structures remain in place over time and that homeowners are fully aware that such structures located on their properties cannot be altered;
- County GEM retains the right to inspect storm water management facilities at any time; and
- County GEM is authorized to go onto any property that is not in compliance to restore, at the property owner's expense, storm water facilities that may have been altered by the owner or others.

3. Develop guidelines for incorporation into the County's LDRs to allow and encourage the use of low impact development techniques as an alternative to conventional storm water management. Low impact development practices include:

- Minimizing grading to preserve natural topography;
- Clustering development to reduce impervious surfaces and avoid highly erodable or sensitive areas;
- Using on-site bio-retention systems in commercial and residential sites and rain gardens on residential lots to reduce and treat storm water;
- Using vegetated swales instead of costly curb and gutter systems; and
- Using permeable pavement materials in low-use areas to increase infiltration and reduce runoff.

4. Do not protect or regulate manmade slopes (significant or severe). The Comprehensive Plan states that it is not the intent of the slope policy to regulate manmade slopes (such as drainage ditches), yet there are anecdotal instances in which this has occurred. The LDRs should be amended to specifically implement this Comprehensive Plan policy regarding manmade slopes.

5. Do not protect or regulate isolated significant slopes that are 0.25 acres or less in size. Small areas of severe slopes of 0.25 acres or less that are part of regulated significant slope features should be treated as significant slopes.

Staff supports the recommendations from the GEM Focus Group as outlined above with regard to the regulations of significant and severe slopes. Staff recommends that they be utilized as the guiding criteria for any proposed changes to the Comprehensive Plan and LDRs regarding the protection and regulation of slopes.

(3) GEM Special Project Assignments

- **Gem Special Project Assignments (Workshop Item C./Page 32)**

In the April 26, 2005 Board workshop item, staff noted that a substantial amount of staff time (estimated at approximately 55% or greater) is associated with Board-assigned special projects and other non-fee related activities, such as code enforcement and grants management. Additionally, staff provides support for the several code-established boards and Board-appointed citizen's advisory groups and committees. Staff had requested Board direction concerning this issue.

The Focus Group discussed this issue and concluded that the Board will and should continue to assign special projects to GEM, and staff will and should be required to provide support to the various boards (Code Board, BOAA, etc.) as required by County Code. In order to address these types of assignments and to assist with the development review and permit streamlining as recommended by the Focus Group, the Group recommends that the Board approve additional staffing for the Department. Additionally, the GEM Focus Group recommends that the Board increase the applicable fees as appropriate to off-set the costs associated with the additional staff.

(4) Initiatives/Recommendations from the GEM Focus Group

The following items and issue areas associated with the permitting process were not specifically identified and discussed in the staff workshop item that was presented to the BCC on April 26, 2005.

- **Revising and Updating the Public Works Design Guidelines Manual.**

At the request of the Focus Group, staff from the Public Works Department met with the Group to

Minimum Countywide Environmental Standards
Citizen's Committee Meeting
December 2, 2011
11:30am

Citizen's Committee Members in Attendance: Roger Wynn, Cliff Lamb, Carmen Green, Judy Hayden, and Pamela Hall.

Staff in Attendance: John Kraynak, David McDevitt, Karen Jumonville, Laura Youmans, Linda Hudson, Hetal Desai, Dwight Arnold, Brian Wiebler, Steve Palmer, Rodney Cassidy, and Jill Weisman.

Meeting was called to order by David McDevitt.

John Kraynak gave an overview of the topics to be discussed at today's meeting, but added that two more issues had arisen recently that staff requested the Citizen's Committee review and provide recommendation.

The two additional topics were the definitions of "native forest" and "tributary." In regards to native forests, staff recommended striking the statement in the County's current definition that states, "These plant communities are recognized as those occurring in Leon County at the time of European settlement." After a brief discussion, the Committee agreed with the staff recommendation. Pam Hall also noted that within the recommended draft language for this definition under characteristics for a high quality natural community, the "and" and "or" statements do not correlate and should be revised.

Discussion followed regarding the second additional topic, the definition of tributary. The consensus of the Committee was to delete the definition for tributary from the draft ordinance, since the current definition of "watercourse" encompasses tributaries.

The discussion then progressed to the regularly scheduled agenda items. The first item of discussion was the regulation of wetlands. County staff recommends that the City EMO be revised to prohibit construction in wetlands, but City staff does not support this recommendation. After discussion, including the fact that any proposed construction within a wetland would require North Florida Water Management District approval anyway, the Committee consensus was to maintain each jurisdiction's regulations as currently established in their respective codes.

Regulation of significant slopes was then addressed. Staff recommendation was to maintain both jurisdictions' respective codes as currently established, but with additional language to allow disturbances within significant slopes in certain circumstances and in specific geographical areas. Discussion ensued, including the acknowledgment that in order to incorporate the additional language to allow for relaxation of the slopes regulations in specific circumstances would require a Comprehensive Plan amendment. The group also determined that this Comprehensive Plan amendment would need to reflect different slopes regulations for properties inside versus outside the Urban Service Area. The consensus of the Committee was to accept the staff's recommendation, and to support the required future Comprehensive Plan amendment, including the caveat that the standards would be different for properties inside versus outside the USA.

The final topic for discussion was the construction of sidewalks within the Canopy Road Protection Zone (CRPZ). The area for Committee recommendation focused on the maximum

sidewalk width allowed by City and County within the CRPZ. After a brief discussion, the Committee consensus was to accept the staff recommended draft language, but change the stated four (4) foot width to five (5) foot width.

General discussion then followed, including the question of how to differentiate between "County/City Administrator or designee" references. If was determined that the attorneys from both jurisdictions would discuss and determine the best was to generalize these references.

David McDevitt stated that a status report agenda outlining the progress of this Committee is scheduled for the December 13th BCC meeting. John Kraynak will finalize the draft ordinance based on the Committee's recommendations, and will forward it to all members for review.

Also mentioned was the need for an established procedure for future amendments to the minimum standards ordinance. Staff suggested that a committee comprised of the Directors of County DSEM, City Growth Management, and PLACE convene on an as-needed basis to review any proposed amendments. Laura Youmans suggested an interlocal agreement that would establish a clear set of procedures. It was determined that the Committee would convene again in January to discuss this issue further and make a recommendation.

The final issue discussed was whether or not to strike the section in the County's EMA entitled "Best Management Practices." It was determined by the Committee that since each of the topics included within this section is included within other sections of the code that this section is redundant and should be removed.

Meeting adjourned at 1:15pm.

Leon County Code Related to Topographic Changes and Stormwater

Sec. 10-4.327. - Topographic alterations.

All projects involving alteration of the contour, topography, use or vegetation cover of land, shall comply with the following minimum standards:

(1)

*Sedimentation and **erosion** **controls**.*

a.

*Installation of **controls**.* No clearing, grading, cutting, or filling shall commence until **erosion** and sedimentation **control** devices have been properly installed, in accordance with an approved plan, between the area to be disturbed and adjacent property, water bodies, watercourses (including inlets and culverts), and wetlands. Clearing and excavation required for installation of **erosion** and sedimentation **control** devices is allowed provided no activity occurs more than five feet from the location of **control** devices as specified in an approved plan.

b.

*Methods of **controls**.* **Erosion** shall be minimized and sediment retained on the site of development through the application of best management practices approved as part of the environmental management permit. Methods of **control** shall be suitable for site size, vegetative cover, soil type, slope, design features and proposed construction sequence and activities. Allowable methods include:

1.

Limiting the amount of clearing necessary.

2.

Staging clearing activities to minimize the length of time any area is left unstabilized and to minimize the total area cleared at any one time.

3.

Temporary gravel construction entrances.

4.

Straw bale barriers.

5.

Silt fences.

6.

Storm drain inlet protections.

7. Temporary diversion dikes.
8. Temporary sediment traps.
9. Temporary sediment basins.
10. Temporary stream crossings.
11. Seeding so as to establish an appropriate vegetative ground cover.
12. Sodding.
13. **Erosion control** and seeding mats.
14. Other suitable methods as approved by the county administrator or designee.

c. *Maintenance of **controls**.* Once properly installed, **erosion** and sediment **controls** shall be maintained pursuant to section 10-4.210 until a permanent vegetative ground cover is established. Any site or portion thereof where work is not being performed as part of the current phase of development, and which remains cleared for over 30 days, shall be stabilized through the establishment of appropriate ground cover. All disturbed areas shall be permanently stabilized through the establishment of appropriate vegetative ground cover upon completion of development activities on the site.

(2) *Grade change limitations.* It is the intent of this article to minimize alterations of the natural topography of land within the county.

a. The type, intensity, and structural design of each proposed development project shall be consistent with and compatible with natural pre-development topography and characteristics of the proposed site.

b. Alterations of natural topography shall not exceed the absolute minimum necessary to develop a site safely. Design criteria will emphasize site designs that fit the topography, not change the

topography to fit the design. Any development proposed for a site shall be appropriate to the existing natural topographical characteristics of the site, while recognizing that minimal grade changes are essential to site development.

TEXT AMENDMENT #: PCT130110

APPLICANT: Tallahassee-Leon County Planning Department

TEXT/POLICY I.D. #:
Glossary Terms for: High Quality Successional Forest, Native Forest, and Wetland.

CITY _X_ COUNTY _X_

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCT130110

A. SUMMARY:

The requested text amendment is intended to update definitions included in the Comprehensive Plan Glossary based on the updates conducted by the City and County as part of the Countywide Minimum Environmental Standards project. This update will help to avoid any future confusion related to significant differences between the environmental definitions in the Comprehensive Plan and those in the Land Development Code of each jurisdiction.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The requested amendment will avoid future confusion related to differences between the environmental definitions in the Comprehensive Plan and those in the Land Development Code of each jurisdiction.

2. The requested amendment further implements the Countywide Minimum Environmental Standards project.

C. EXISTING TEXT/POLICIES: See Attachment #1

D. PROPOSED TEXT/POLICIES: Attachment #1 includes all proposed amendments in legislative format and provides staff notes describing each change.

E. APPLICANT'S REASON FOR THE AMENDMENT:

The proposed text amendment is intended to update definitions included in the Comprehensive Plan Glossary based on the updates conducted by the City and County as part of the Countywide Minimum Environmental Standards project. These changes will avoid confusion between the definitions included in the City and County Code and the definitions in the Comprehensive Plan.

F. STAFF ANALYSIS

History

The proposed amendments are associated with implementation of the Minimum Countywide Environmental Standards project as proposed by the Citizen Charter Review Committee. The Charter Amendment that initiated this process was approved by voters on November 2, 2010 and became effective April 1, 2011.

At their December 13, 2010 Retreat, the Board approved a staff proposal to implement the Charter Amendment through a "two-phased" approach. Phase 1 consisted of adoption by the Board of uniform stormwater management standards for water quality in those basins and/or special study areas that bisect jurisdictional lines, and incorporated the City's environmental regulations into the County Environmental Management Act (EMA). The Phase 2 component of implementation included coordinating with the Board-appointed Citizen's Committee and City staff to integrate all remaining County and City environmental regulations into one recommended Minimum Countywide Environmental Regulations Ordinance adopted by the Board on May 8, 2012.

Planning Department staff participated in the Phase 2 implementation process to ensure that all changes to the City and County regulations were consistent with the Tallahassee-Leon County Comprehensive Plan. Through this process, the three Glossary definition updates included in this amendment were identified.

Analysis of Proposed Text

The proposed definition changes noted in Attachment #1 are intended to directly implement the definitions developed by City and County Staff, approved by the Board-appointed Citizen's Committee, and already adopted into code by the Board and the City Commission. This update will help to avoid any future confusion related to significant differences between these environmental definitions in the Comprehensive Plan and the Land Development Code of each jurisdiction.

County Strategic Priorities

By completing implementation of the Countywide Minimum Environmental Standards project, the proposed amendment supports one of the Board's key Strategic Initiatives regarding the environment: "Implement strategies that protect the environment and promote orderly growth,

including: develop Countywide Minimum Environmental Standards, develop minimum natural area and habitat management plan guidelines, integrate low impact development practices into the development review process, and consider mobility fee to replace the concurrency management system."

G. CONCLUSIONS:

Based on the above analysis, the Planning Department recommends approval of the amendment request for the following reasons:

1. The requested amendment will avoid future confusion related to differences between the environmental definitions in the Comprehensive Plan and those in the Land Development Code of each jurisdiction.

2. The requested amendment further implements the Countywide Minimum Environmental Standards project.

H. ATTCHMENTS:

Attachment #1: Amendment in Strikethrough/Underline Format with Staff Notes

GLOSSARY

HIGH QUALITY SUCCESSIONAL FOREST: *(Rev. Effective 12/10/91)* ~~(City of Tallahassee only)~~
High quality successional forest ~~is an early stage in natural community development characterized by an ability to provide wildlife habitat and within which natural community type species are present in such numbers, size, and diversity that succession is toward a recognizable mature natural community.~~ shall mean a medium quality natural plant community that is a forest type described in the Florida Natural Areas Inventory publication "Guide to the Natural Communities of Florida." These forests typically show signs of past disturbances, but still retain a good distribution of high quality indicator species. A medium quality natural community generally possesses the following characteristics:

1) The floristic composition contains many of the more common species typical of the natural community type, although most rare species are absent;
2) The community may contain invasive exotic plants that could be controlled through management;
3) The community has likely had some past disturbance, but not to the extent that the potential for recovery or restoration to a high quality natural community is significantly impaired (unauthorized activities in high quality successional forest areas resulting in a violation of the ordinances will not be excluded from protection as such).

~~**HIGH QUALITY SUCCESSIONAL FOREST:** *(Effective 7/16/90)* (Leon County only) High quality successional forest is a community of mixed or single species of trees and understory vegetation with both mature and immature trees, comprised of a mix of age classes that does or would support an abundance of wildlife.~~

Staff Note: The above change provides for a unified City and County definition for "High Quality Successional Forest." The updated definition provides increased clarity for implementation and was developed by City and County staff as part of the Countywide Minimum Environmental Standards project.

~~**NATIVE FOREST:** *(Rev. Effective 12/10/91)* (City of Tallahassee only) A vegetative community (1) dominated by native species, including trees, understory vegetation and wildlife, and (2) structured as a forest type described in the Florida Natural Areas Inventory publication, "Guide to Natural Communities of Florida." Historical disturbance may have occurred but has not destroyed or prevented re-establishment of the community. Standard professional measures will be used to evaluate the quality of the subject area along with other biological and physical factors that may be evident.~~

NATIVE FOREST: *(Effective 7/16/90)* ~~(Leon County only) A community of vegetation, including trees, understory vegetation and associated wildlife that were present in Leon County prior to European settlement.~~
Native forest shall mean a high quality natural plant community that is a forest type described in the Florida Natural Areas Inventory publication "Guide to the Natural Communities of Florida." A high quality natural community generally possesses the following characteristics:

1) The plant species composition is dominated by high quality indicator species which are typical of their natural community type;
2) The community may contain invasive exotic plants that could be controlled through management;

3) Evidence of historical disturbance may be present, but the disturbance has not destroyed or prevented the re-establishment of a high quality natural community type.

Staff Note: The above change provides for a unified City and County definition for "Native Forest." The updated definition provides increased clarity for implementation and was developed by City and County staff as part of the Countywide Minimum Environmental Standards project.

WETLAND (*Revision Effective 6/28/02*)**:** Wetlands mean those areas included within the landward extent of surface waters of the state, pursuant to applicable rules in the Florida Administrative Code, or any area which is ~~that are~~ inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and which under normal circumstances does ~~or would~~ support~~, at least periodically,~~ a prevalence of vegeta~~ta~~tion typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing~~ed~~ soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligated hydrophy~~y~~tic macrophytes that are typically adapted to areas having soils conditions described in this definition~~above~~. These species, due to morphological, physiological, or reproductive adaptations have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps and marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The City of Tallahassee and Leon County intend to continue to protect isolated wetlands and wetlands on properties held by a single owner. Isolated wetlands and wetlands in one ownership must meet the State of Florida's definition for wetlands with regard to percent composition of wetland plant species, hydrologic indicators, and soils (Chapter 62-340, F.A.C.)

Staff Note: The above change provides new text for consistency with the Florida Administrative Code. Additional edits small edits are included to improve accuracy.

TEXT AMENDMENT #: PCT130111

APPLICANT: Tallahassee-Leon County Planning Department

TEXT/POLICY I.D. #: Mobility Policy 1.1.10 and Land Use Policy 2.1.8 and 2.2.10

CITY: _X_ COUNTY: _X_

DATE: January 9, 2013

STAFF RECOMMENDATION: Approve Amendment PCT130111

A. SUMMARY:

This is a request to amend the Mobility Element and the Land Use Element. The amendment updates and removes outdated language in Policy 2.1.8 [L], Policy 2.2.10 [L] and Policy 1.1.10 [M], and correctly identifies the policy guidance to receive a density bonus in the Mobility District (Multi-Modal Transportation District).

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

The proposed amendment clarifies and updates policies 1.1.10[M], 2.1.8 [L] and 2.2.10 [L] to make them consistent with the Comprehensive Plan.

C. PROPOSED POLICIES CHANGE:

Policy 1.1.10 [M]

MMTD Residential Density Bonus. In order to increase redevelopment and infill development, residential densities within the MMTD may be increased up to 35% above the maximum allowed in the Residential Densities Range Table. This bonus shall not apply to lands designated Residential Preservation. Further bonuses may be applied to the Downtown. Eligibility criteria for these bonuses will be established within the land development regulations and shall include design standards facilitating pedestrian oriented site and building design with enhanced pedestrian access and amenities, urban scale development, innovative parking strategies, integrated mix of land uses, and other urban design features. ~~In areas designated Central Core on the Future Land Use Map, any development with density of more than 10dwelling units per acre shall be consistent with these design standards subject to further clarification in the Land Development Code.~~

Policy 2.1.8: [L] (*Revision Effective 7/26/06; Revision Effective 1/7/10)*

Maintain a viable mix of available residential densities to accommodate a variety of housing types. Current residential densities are summarized below:

RESIDENTIAL DENSITIES RANGE *(Revision Effective 12/15/11)*

Future Land Use Category	Maximum Gross Density - Dwelling Units (DU)/Acre (Ac)[1]	Minimum Gross Density Dwelling Units (DU)/Acre (Ac)
Rural	**1 DU/10 Ac**	**No minimum**
Urban Fringe	**1 DU/3 Ac (standard) or 1DU/3 Ac (Conservation subdivision)**	**No minimum**
Urban Residential	**10 DU/AC**	**4 DU/Ac**
Urban Residential 2	**20 DU/Ac [2]**	**No minimum**
Village Mixed Use	**20 DU/Ac [2]**	**No minimum**
Suburban	**20 DU/Ac [2]**	**No minimum**
Planned Development	**20 DU/Ac [2]**	**No minimum**
Bradfordville Mixed Use [2]	**20 DU/Ac**	**No minimum**
Central Urban [2, 3, 4]	**45 DU/Ac**	**No minimum**
Activity Center [2, 3]	**45 DU/Ac**	**No minimum**
University Transition [2, 3, 4]	**50 DU/Ac**	**No minimum**
Central Core [2, 3, 4] *(Eff.1/7/10)*	**150 DU/Ac** *(Eff. 1/19/02)*	**No minimum**
Rural Community	**4 DU/Ac**	**No minimum**
Residential Preservation [2]	**6 DU/Ac**	**No minimum**
Lake Talquin Recreation/Urban Fringe [5 4]	**1 DU/3 Ac (standard)**	**No minimum**
Lake Protection [5 4]	**1 DU/2 Ac (standard)**	**No minimum**

Notes:

[1] Maximum gross density is based on the gross acreage of the site and may not be achievable after addressing applicable land development regulations (e.g., parking, stormwater, and other regulations that may limit maximum development potential).

[2] Density ranges can be increased up to 25% above the maximum limits listed above for the purpose of providing affordable housing units, consistent with Policy 2.1.14 [LU].

[3] Density ranges can be increased up to 35% above the maximum limits listed above for the purpose of encouraging infill development and redevelopment, consistent with ~~Policy 12.2.2 [L]. *(Effective 1/19/02)*~~

Mobility Element Policy 1.1.10 [ME]. *(Effective 12/15/11)*

~~[4] In areas designated Central Core, University Transition and Central Urban on the Future Land Use Map, any development with density of more than 50 dwelling units per acre must be subject to the design standards identified in Policy 12.2.2 [LU]. *(Effective 1/19/02; Rev. Effective 1/7/10)*~~

~~[5]~~ [4] Clustering Option Available

Policy 2.2.10 [L]
CENTRAL CORE *(Effective 1/19/02; Revision Effective 7/26/06; Renumbered 3/14/0; Revision Effective 1/7/10)*

The current Central Core of Tallahassee has a strong government presence. However, the character of this area has changed since 2002 to a more mixed use center with new office, commercial, retail and residential uses. The Central Core of Tallahassee is intended to expand into a vibrant 18-hour urban activity center with quality development. The emphasis in this area is intended to shift from cars to pedestrian, bike and transit modes of transportation. The development regulations within the Central Core area have to be amended to allow for a more urban kind of development where the primary emphasis is on pedestrian, bike and transit modes of transportation. The Central Core area is within the Downtown Overlay. The City of Tallahassee intends to promote mix of uses and higher densities and intensities within its Central core, while promoting multiple modes of transportation. The City shall establish Design Guidelines for this area in order to allow for more mixed use, pedestrian, bike and transit oriented development. Residential development may be permitted up to 150 units per acre. Any development with density of more than 10 dwelling units per acre shall be consistent with the design standards identified in Policy ~~2.1.5~~ ~~[T]~~ 1.1.10 [M] subject to further clarification in the Land Development Code.

The future expansion of the Central Core FLUM will be limited to only those parcels within the Downtown Overlay District when:

- The proposed parcels are contiguous to existing central core FLUM area;
- The proposed parcel has all the infrastructure available;
- The proposed parcel has to exhibit a need for the expansion (eg: parcel of sufficient size not available in the Central Core FLUM for the proposed development).

D. APPLICANT'S REASON FOR THE AMENDMENT:

This is a cleanup amendment to the Comprehensive Plan. The amendment updates and removes outdated language in policy 1.1.10 [M], 2.1.8 [L] and 2.2.10 [L] to make the policies consistent with the Mobility and the Land Use Elements.

E. STAFF ANALYSIS

The Comprehensive Plan currently contains language in Land Use Policy 2.1.8 and 2.2.10 and Mobility Policy 1.1.10 that is not pertinent and needs to be updated. This amendment requests the cleanup of text in these policies by removing the references to the deleted Central Core policies and by referencing the Mobility Element Policy that replaced one of the deleted Central Core Policies (formerly LU Policy 12.2.2). It also correctly identifies the policy guidance to receive a density bonus in the Mobility District. The three specific changes in this amendment are discussed below.

Change #1

In 2011, the City adopted the Community Code, which includes design standards for all lands in the Mobility District. As all areas designated Central Core occur within the Mobility District, the language in Policy 1.1.10 [M] requiring design standards in the Central Core is no longer needed.

Change #2

This change will delete note "4" from Policy 2.18 since it is no longer relevant and will renumber the remaining notes. In 2011, the City adopted the Community Code, which includes design standards for all lands in the Mobility District. As all areas designated Central Core, University Transition and Central Urban occur within the Mobility District, note 4 requiring design standards is no longer needed. Also in 2011, the content of deleted Land use Policy 12.2.2 was moved to new Policy 1.1.10 [M], as part of the new Mobility Element. However, note 3 in Policy 2.1.8 [L] was not updated to reflect this change. The amendment change updates this note to direct readers to Policy 1.1.10 [M] and correctly identifies the policy guidance to receive a density bonus in the Mobility District.

Change #3

The final change will update Land Use Policy 2.2.10 to provide correct policy reference within the policy.

E. CONCLUSIONS:

Based on the above data and analysis, the Planning Department recommends approval of the amendment request for the following reason:

1. The proposed amendment clarifies and updates policies 1.1.10[M], 2.1.8 [L] and 2.2.10 [L] to make them consistent with the Plan.

TEXT AMENDMENT #: PCT130112

APPLICANT: Tallahassee-Leon County Planning Department

TEXT/POLICY I.D. #: Mobility Element Future Right-of-Way Needs Map

CITY _X_ COUNTY _X_

DATE: November 19, 2012

STAFF RECOMMENDATION: Approval of Amendment PCT130112

A. SUMMARY:

This is a request to amend to the Future Right-of-Way Needs Map in the Mobility Element of the Comprehensive Plan (Attachment #1). As required by objectives and policies contained within the Mobility Element of the Comprehensive Plan, the Future Right-of-Way Needs Map should be reviewed and amended regularly to ensure consistency with locally planned transportation improvements and future growth. The Future Right-of-Way Needs Map was amended in 2011 to ensure consistency between the Future Right-of-Way Needs Map, the Year 2035 Long Range Transportation Plan, and planned local projects.

At this time, the only change requested is the addition of the Paul Russell Road extension to the adopted map. The Paul Russell Road extension was included on the Future Right-of-Way Needs Map prior to the 2011-01 Comprehensive Plan amendment cycle. The proposed Paul Russell Road extension traverses and bisects the English property, and this roadway was removed until such time as the English property was ready for development. In the interim, owners of the English property have moved forward with developing the property and as such, Planning Department staff requests the Paul Russell Road extension be added back to the Future Right-of-Way Needs Map.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed amendment will meet the requirements specified by Objective 1.6 of the Mobility Element: Identify right-of-way needed for planned future transportation improvements and protect it from building encroachment as development occurs to preserve the corridor for transportation use, to maintain transportation level of service for concurrency, to improve coordination between land use and transportation, and to minimize the adverse social, economic, and environmental impacts of transportation facilities on the community.
2. The proposed amendment will meet requirements of Mobility Element Policy 1.6.5: The Future Right-of-Way Needs Map shall be reviewed, and updated if necessary, every five years concurrent with the Long Range Transportation Plan update, or more frequently as necessary to address the growth and mobility needs of the local government.

3. The proposed amendment will be consistent with the existing City of Tallahassee "*Transportation Right-of-Way Preservation Ordinance*." This ordinance applies to land within or abutting future transportation corridors designated on/in the Future Right-of-Way Needs Map, the 2035 Long Range Transportation Plan and/or the Tallahassee-Leon County Comprehensive Plan.

4. The proposed amendment will protect future planned transportation corridors from encroachment by structures, parking areas, or drainage facilities, which has the potential to significantly reduce future acquisition costs.

5. The proposed amendment will assist the City and County in meeting and maintaining established level of service standards, accommodating planned future growth, and will help assure the continued development of a safe, efficient and sustainable transportation system for the citizens of Tallahassee and Leon County.

C. EXISTING TEXT/POLICIES:

Please see Future Right-of-Way Needs Map (Attachment #1)

D. PROPOSED TEXT/POLICIES:

Please see Proposed Revisions to the Future Right-of-Way Needs Map (Attachment #2)

E. APPLICANT'S REASON FOR THE AMENDMENT:

The proposed addition of the Paul Russell Road Extension to the Future Right-of-Way Needs Map is staff-initiated and was prompted by the need to coordinate with the initial development of the English property, which is bisected by this planned roadway.

F. STAFF ANALYSIS

At this time, the only change requested is the addition of the Paul Russell Road extension to the adopted map. The Paul Russell Road extension was included on the Future Right-of-Way Needs Map prior to the 2011-01 Comprehensive Plan amendment cycle. The proposed Paul Russell Road extension bisects the English property, and this roadway was removed until such time as the English property was ready for development. In the interim, owners of the English property have moved forward with developing the property and as such, Planning Department staff requests the Paul Russell Road extension be added back to the Future Right-of-Way Needs Map.

G. FINANCIAL IMPACT

The proposed amendment identifies the right-of-way needs for the future Paul Russell Road corridor. This proposed amendment allows the City and County to require modifications to future development plans along these corridors to ensure buildings and accessory uses are not placed within the corridor. This has the potential to significantly reduce future acquisition costs and provide clarity to the property owner regarding the desired corridor location..

H. CONCLUSIONS:

Based on the above data and analysis, Planning Department staff recommends approval of the amendment request for the following reasons:

1. The proposed amendment will meet the requirements specified by Objective 1.6 of the Mobility Element: Identify right-of-way needed for planned future transportation improvements and protect it from building encroachment as development occurs to preserve the corridor for transportation use, to maintain transportation level of service for concurrency, to improve coordination between land use and transportation, and to minimize the adverse social, economic, and environmental impacts of transportation facilities on the community.
2. The proposed amendment will meet requirements of Mobility Element Policy 1.6.5: The Future Right-of-Way Needs Map shall be reviewed, and updated if necessary, every five years concurrent with the Long Range Transportation Plan update, or more frequently as necessary to address the growth and mobility needs of the local government.
3. The proposed amendment will be consistent with the existing City of Tallahassee "*Transportation Right-of-Way Preservation Ordinance*." This ordinance applies to land within or abutting future transportation corridors designated on/in the Future Right-of-Way Needs Map, the 2035 Long Range Transportation Plan and/or the Tallahassee-Leon County Comprehensive Plan.
4. The proposed amendment will protect future planned transportation corridors from encroachment by structures, parking areas, or drainage facilities, which has the potential to significantly reduce future acquisition costs.
5. The proposed amendment will assist the City and County in meeting and maintaining established level of service standards, accommodating planned future growth, and will help assure the continued development of a safe, efficient and sustainable transportation system for the citizens of Tallahassee and Leon County.

H. ATTACHMENTS:

Attachment #1: 2011 Future Right of Way Needs Map

Attachment #2: Proposed 2013 Future Right of Way Needs Map

Effective with 11-01 Comprehensive Plan Cycle

FUTURE RIGHT-OF WAY NEEDS MAP

Project Type

Roadway Project

Transportation Systems Management

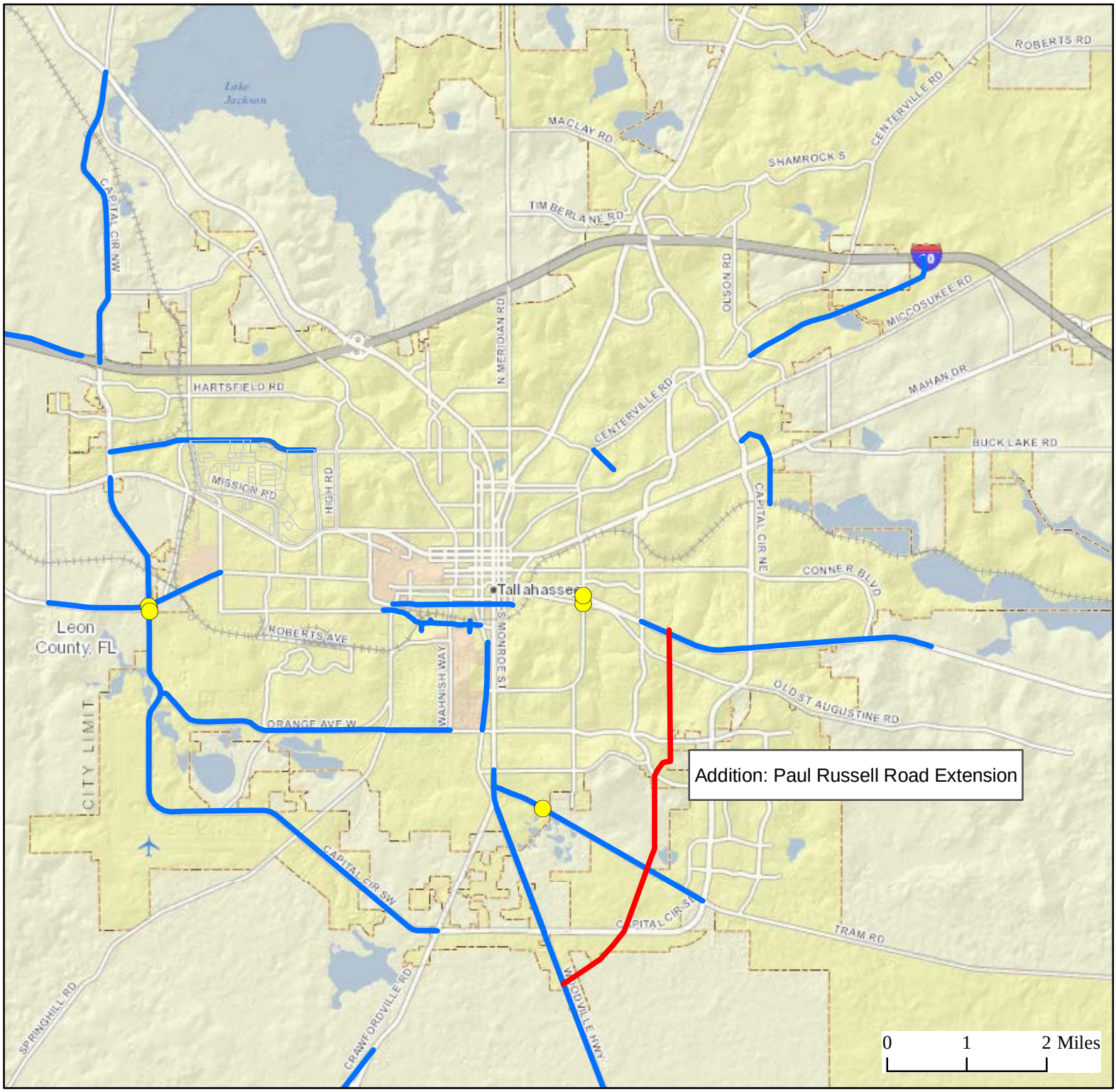
0 2.5 5 Miles

N

Tallahassee-Leon County
Planning Department
13 April 2011

Coordinate System: NAD_1983_HARN_StatePlane_Florida_North_FIPS_0903_Feet

Effective with the 13-01 Comprehensive Plan Cycle
FUTURE RIGHT-OF WAY NEEDS MAP



Project Type

Paul Russell Road Extension

Roadway Projects

Transportation Systems Management

N

Tallahassee-Leon County
Planning Department
19 December 2012

TEXT AMENDMENT #: PCT130113

APPLICANT: City of Tallahassee

TEXT/POLICY I.D. #:
Policy 13.1.4 [L]

CITY _X_ COUNTY _X_

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment Request PCT130113 with an effective date tied to approval of the Thornton Road Land Exchange by the State of Florida.

A. SUMMARY:

The proposed text amendment to the Welaunee Critical Area Plan changes the allowed roadway access from Arendell Way to Thornton Road, implementing City Commission direction provided on October 24, 2012 and County Commission direction provided on November 13, 2012. For the past several years, there has been a community discussion regarding the most appropriate location and process for a roadway crossing of the Miccosukee Canopy Road Greenway to provide access from Highway 90 (Mahan) and Miccosukee Road to the City owned portion of the Welaunee Toe.

A Memorandum of Agreement approved by the City on October 24, 2012 and the County on November 13, 2012, establishes a roadway crossing aligned with Thornton Road as the selected option. Staff will move forward with the State of Florida application process to seek a land exchange that will allow for the extension of Thornton Road. The proposed amendment will make the Comprehensive Plan consistent with this direction.

B. REASON FOR RECOMMENDATION FOR APPROVAL:

1. The requested amendment updates the Comprehensive Plan to reflect an important community decision regarding roadway location that was achieved through an open public process.

C. EXISTING TEXT/POLICIES: See Attachment #1

D. PROPOSED TEXT/POLICIES: Attachment #1 includes all proposed amendments in legislative format and provides staff notes describing each change.

E. APPLICANT'S REASON FOR THE AMENDMENT:

The proposed text amendment to the Critical Area Plan for the Welaunee Toe changes the road access from Arendell Way to Thornton Road and implements City Commission direction provided on October 24, 2012.

F. STAFF ANALYSIS

History

1. In December of 2005, the City Commission approved the purchase of approximately 428 acres of Welaunee Plantation property to facilitate the routing of the Eastern Transmission Line. Under the purchase agreement and consistent with the Comprehensive Plan Critical Area Plan, the City had certain obligations, including the development of a Stormwater Facilities Master Plan (SFMP). The SFMP was approved by the City Commission in May of 2011. As a result of the work required to support the SFMP, the decision was made to also seek approval of a Planned Unit Development (PUD) for this property.

2. During the City's work on developing the PUD application, there were significant discussions with respect to access to the City's property from Miccosukee Road. Under the terms of the purchase agreement, the City has rights to cross the Miccosukee Greenway at Edenfield Road and Arendell Way. One option that was identified to enhance the access to the property and address certain concerns identified was to relocate the Arendell Way connection to Thornton Road ("Thornton Road Extension"). This option provided the following benefits.

a) Addresses the concerns of the Arendell Hills Neighborhood Association with respect to traffic loading in their subdivision if the Arendell Way connection were developed.
b) Addresses an inconsistency in the long range mobility plan that calls for the extension of Thornton Road from Mahan to Centerville, not Arendell Way.
c) Results in fewer impacts to the canopy along Miccosukee Road. This is the result of less tree removal in the canopy road zone at the Thornton Road extension location versus the original access easement location at Arendell Way.
d) Provides for enhanced regional mobility that will be supportive of a potential new I-10 interchange on the City's property to connect with the new Welaunee Boulevard.

3. The relocation of the Arendell Way access point requires the approval of the State of Florida Board of Trustees for the Internal Improvement Trust Fund (TIITF) since the relocation impacts state lands (the Miccosukee Canopy Road Greenway).

4. At the time the Thornton Road extension was proposed, several stakeholder groups indicated some concerns with the proposal. These stakeholder groups included the Miccosukee Canopy Road Greenway Citizens Committee (MCRG), the Southern Trailriders Association (STR) and the North

Florida Paso Fino Horse Association (Paso Fino). City staff worked to resolve the concerns raised by these stakeholders but was initially unable to do so.

5. On October 26, 2011, the City Commission directed staff to defer the filing of the PUD application to allow City Commissioner Mustian and County Commissioner Desloge to seek a consensus on a modification to the access to the property.

6. There have been numerous meetings between the stakeholders and the Commissioners and with staff. Based on these discussions, staff, in conjunction with the stakeholders, developed a memorandum of agreement (MOA) between the City and County that was approved by the City on October 24, 2012 and by the County on November 13, 2012. The major provisions of the MOU are:

a) The parties agree, pending final approval of the TIITF, to relocate the Arendell Way access point to Thornton Road.
b) To facilitate the Thornton Road extension, the City will propose a land exchange with the TIITF resulting in 8.3 acres of Greenway property being deeded to the City and 19.77 acres of the City's Welaunee property being deeded to the TIITF. This is consistent with the TIITF 2:1 ratio requirements.
c) The City has agreed that the Thornton Road extension will be a two-lane road located within an 80 foot right-of-way. At the time the Thornton Road extension is developed, the MOA requires visual and landscape barriers to be included in the road construction, on Greenway property, with the intent to eliminate the ability to see traffic on the Thornton Road extension from the Greenway hayfield.
d) Upon all final approvals, the City will relinquish any rights to access their property at the Arendell Way easement. The City has agreed to not seek any additional access easements across the Greenway. The City retains the rights to the Edenfield access point.
e) The MOU may be amended if requested by the TIITF during their review and approval process. Any further amendments will require mutual agreement of the City and County, as well as approval by a simple majority of the stakeholders (see item 4 above) who are registered with the State and active at the time of the amendment.
f) Subject to appropriations by the City Commission, the City will pursue the I-10 interchange at Welaunee Boulevard.
g) The City will provide support to the STR in their pursuit of a multi-use land bridge across I-10 from the City's property in the vicinity of the proposed I-10 interchange. This support includes: (i) filing of the application, provided the City incurs no costs associated with the application and the City Commission at the time approves the action; and (ii) identification of potential trails through the City's property to allow access to the land bridge.

Analysis of Proposed Text

As mentioned in the History section above, relocating the vehicular access from Arendell Way to Thornton Road was identified to have the following benefits:

a) Addresses the concerns of the Arendell Hills Neighborhood Association with respect to traffic loading in their subdivision if the Arendell Way connection were developed.
b) Addresses an inconsistency in the long range mobility plan that calls for the extension of Thornton Road from Mahan to Centerville, not Arendell Way.

c) Results in fewer impacts to the canopy along Miccosukee Road. This is the result of less tree removal in the canopy road zone at the Thornton Road extension location versus the original access easement location at Arendell Way.
d) Provides for enhanced regional mobility that will be supportive of a potential new I-10 interchange on the City's property to connect with the new Welaunee Boulevard.

The proposed amendment also removes language related to the process for determining if access via Dempsey Mayo may be approved. According to the Canopy Planned Unit Development approved on April 1, 2011, the City Commission approved access via Dempsey Mayo on December 14, 2005, based on an analysis by Moore Bass Consulting dated November 9, 2005. This change will add clarity to the Plan by recognizing a decision that has been made.

G. CONCLUSIONS:

Based on the above analysis, the Planning Department recommends approval of the amendment request for the following reason:

1. The requested amendment updates the Comprehensive Plan to reflect an important community decision regarding roadway location that was achieved through an open public process.

H. ATTCHMENTS:

Attachment #1: Amendment in Strikethrough/Underline Format with Staff Notes

WELAUNEE CRITICAL AREA PLAN

Land Use Goal 13 *(Effective 12/10/02)*

Guide planned development within the Welaunee Critical Planning Area through implementation of a critical area plan which includes a mixture of integrated land uses that are predominantly self-supporting rather than dependent upon public funding, places a greater emphasis on pedestrian mobility and transportation alternatives, provides new employment opportunities near major transportation arteries and protects natural systems in an urbanized setting.

…

Policy 13.1.4: Transportation *(Effective 12/10/02; Revision Effective 7/20/05)*

…

(2) The following transportation guidelines shall apply in the Toe as established in PUD Concept Plans and shown in Figure 13-3:

…

(B) Road access to the Toe from Miccosukee Road shall occur only within ~~the existing~~approved road access ~~easements~~ corridors across the Miccosukee Canopy Road Greenway at ~~Arendell Way~~Thornton Road, ~~and~~ Edenfield Road,~~. In addition, road access to the Toe from Miccosukee Road at~~ and Dempsey Mayo.~~ within the existing road access easement may be approved in a PUD Concept Plan if it is determined by the local government with jurisdiction, based on analysis, that such a connection would have a desirable impact on the Miccosukee Canopy Road.~~ All impacts to the canopy road protection zone from such access roads shall be minimized.

Staff Note: The primary intent of the above change is to remove the road access at Arendell Way and establish the future access at Thornton Road. Details of the other smaller changes are provided below.

1. "Existing" is changed to "approved" to recognize that the Thornton Road access is not one of the access easements that existed when the policy was originally written.

2. "Easements" is changed to "corridors" to recognize that the proposed Thornton Road access will be via a corridor of land owned fee simple by the City, not via an easement across the Miccosukee Canopy Road Greenway.

3. The amendment also removes language related to the process for determining if access via Dempsey Mayo may be approved. The City Commission approved access via Dempsey Mayo on December 14, 2005, based on an analysis by Moore Bass Consulting dated November 9, 2005. This change will add clarity to the Plan by recognizing a decision that has been made.

Citizen Comments

From: Hodges, Steven M
To: Wiebler, Brian T.
Cc: CMP_PLN_AMND
Subject: FW: Disc Village Comp Plan Amendment
Date: Friday, February 01, 2013 2:50:43 PM

FYI.

From: Barry Poole [mailto:barry@poole-eng.com]
Sent: Wednesday, January 30, 2013 10:28 AM
To: Hodges, Steven M
Subject: Disc Village Comp Plan Amendment

Steve,

The second neighborhood meeting was conducted last Thursday, January 24, 2013 at the Woodville Elementary School.

The attendance was low, which was unexpected given that it was clearly announced that this meeting would present more specific development plans. The information provided included a preliminary site plan for the proposed cottages on the parcel not included in the comp plan amendment and a preliminary development plan for the parcels which are part of the comp plan amendment.

However, the attendees that were present did provide comments, questions and several opportunities to work together on improvements to the pedestrian and traffic movements in the area.

Nancy Stokely, principle of Woodville Elementary, discussed the traffic congestion at Natural Bridge's intersection with Woodville Highway. It was noted that the school buses cause a large portion of the traffic back-up down Natural Bridge, resulting from buses trying to make a left turn on Woodville Highway. Construction of a left turn lane would significantly help the situation and allow vehicles to proceed with a right-turn. This intersection improvement is relatively affordable versus a four-laned Woodville Highway, for example. In addition, Ms. Stokely mentioned that there may be grant money available for the construction of sidewalks, which are lacking in the area and pose a safety hazard to the elementary students walking to and from school.

This meeting was significantly different in character than the initial neighborhood open house meeting. There was very little negativity and the meeting concluded with a pledge from the development team to work with the community and school to bring about the possible roadway improvements and additional sidewalks.

Wastewater Treatment **Facility**

Mr. George McDonald, P.E. is to provide the information on the wastewater treatment upgrades this morning. The information will be necessary in making the determination as to when the sewer treatment plant is expanded (whether during phase 1 or 2). A bit of good news is that the most

recent plant permitting required significant improvements to the treatment level of nitrates which meet the advanced wastewater treatment standards. Mr. McDonald should have this information to me by noon today.

As of this email, the condition of approval requested is that the plant be improved to Advanced Wastewater Treatment standards at the time of expansion of the plant. This could be reduced to a specific threshold of allowing 120 residential units.

I am hopeful that the cost of plant improvement will be such that a commitment can be made to improve the plant in phase 1.

I hope to let you know that by the end of the day today. Please call me if you have any questions or comments.

Barry W. Poole
Executive Vice President
Poole Engineering & Surveying, Inc.
2145 Delta Blvd Ste 100
Tallahassee, Fl. 32303
barry@poole-eng.com
O: (850) 386-5117 F: (850) 385-0633

From: Hodges, Steven M
To: CMP_PLN_AMND
Subject: FW: PCM 130107 (Cassedy Parcels)
Date: Thursday, February 07, 2013 10:01:35 AM

PCM130107

From: Regan Jager [mailto:reganjager@gmail.com]
Sent: Wednesday, February 06, 2013 11:44 AM
To: Gillum, Andrew; Ziffer, Gil; Miller, Nancy; Marks, John
Cc: Hudson, Linda; Hodges, Steven M
Subject: PCM 130107 (Cassedy Parcels)

Good Morning!

I wrote to all of the Commissioners Monday regarding the new MNA position in support of the land use change to NBO for the Cassedy parcels as well as some remaining concerns we would like to address within the designation as it applies to these particular parcels. Hopefully you've had an opportunity to read over the email.

I have since been in contact with Linda Hudson and Steve Hodges who have been helpful in answering some questions and clarifying a few points. The remaining point of concern for us as residents and Midtown Neighborhood Association members is:

The building height 'restriction' under MMTD, which super cedes NBO, is 3 stories. The one story building currently standing on the property looms over our yard as it is up a significant grade from us. Three stories would absolutely be monolithic, even with the buffers required, should the property be redeveloped in the future. **We again, respectfully request that you direct the staff to rewrite the building height restrictions in MMTD to 2 stories maximum when adjacent to an RP1 or RP2 property**. The three story restriction certainly makes sense in some other areas within MMTD, but in the case of these parcels (and including the 'old vet parcel' already designated NBO) and any others that present themselves in the future that abutt inhabited, residential homes, three stories would be intrusive.

I would love to have any or all of you over to see for yourselves what three stories of future development would mean to our property and neighborhood. We have managed to navigate thought his process successfully to get the traffic situation under control by closing the illegal driveway on the RP2 lot and signage to alert drivers that they are entering a neighborhood. With the protections in place regarding types of business, hours of operations, lighting, signage, etc., under NBO as well as MMTD, we feel confident that this land use change can serve us and the property owner well as long as the building height restriction adjustment is made.

Thank you,
Regan Jager
President MNA

From: Hodges, Steven M
To: CMP_PLN_AMND
Subject: FW: Letter to the commissioners
Date: Thursday, February 07, 2013 10:01:17 AM

PCM130107

From: Regan Jager [mailto:reganjager@gmail.com]
Sent: Monday, February 04, 2013 1:27 PM
To: Hudson, Linda; Hodges, Steven M; Wiebler, Brian T.
Subject: Letter to the commissioners

Hello all!

I'm sending you a copy of the letter I wrote to the Commissioners this morning... Want to keep everyone in the loop so to speak. I will be requesting also that the language used in #2 from the Staff be changed since we would hate for this to be an opening into commercialization of this parcel AND WOULD LIKE THIS APPARENT TYPOGRAPHICAL ERROR CORRECTED SO THAT THE STAFF ANALYSIS REMOVES REFERENCE TO REINSTATING COMMERCIAL USE DESIGNATIONS IN PLACE PRIOR TO CITYWIDE RE ZONING IN 1992.

Thanks,
Regan Jager

Dear Commissioners,

I hope this transmission finds you having a great new year! As the new President of the Midtown Neighborhood Association (MNA), I would like to talk to each of you regarding amendment PCM 130107, or the Cassedy parcels.

The MNA has voted on a new position regarding the land use change from RP2 to NBO on the parcels. It stands as follows:

As a matter of record, the property owner (Marshall Cassedy) has been cited by code enforcement for failing to meet the agreed upon PELUC conditions within 60 days of the approved agreement. Only after approximately 90 days of the approved agreement did the property owner begin limited attempts to meet the agreed upon conditions. Even now, as of January 13,2013, the propertyy owner appears to still not be in full compliance with the fence and buffer condition. Based on the clear history and clear failure of the property owner to meet agreed upon PELUC conditions within more than ample timeframe, MNA has virtually no confidence that the property owner will operate in good faith in terms of abiding by a formal agreement or clear zoning and development restrictions under NBO. Despite this lak of confidence, MNA is still willing to consider no

opposition to a COMP PLAN AMENDMENT FOR THE SUBJECT PARCELS, BUT ONLY WITH CLEAR CONDITIONS:

A. FULL AND APPROPRIATE COMPLIANCE WITH THE AGREED UPON AND APPROVED PELUC CONDITIONS

B. DIRECTING STAFF TO WORK WITH MNA TO CONSIDER AND DEVELOP POTENTIAL MODIFICATIONS TO MOBILITY DISTRICT DEVELOPMENT STANDARDS AS IT RELATES TO NON-RESIDENTIAL USES ABUTTING ESTABLISHED RESIDENTIAL PARCELS AS IT PERTAINS TO HEIGHT, SINAGE, LIGHTING, NOISE, AND BUFFERS.

I write today not only to share our new position, but also to respectfully request that the Commission direct City Staff to work with MNA to adjust or tweak the language within the current NBO designation regarding building height, interconnectivity, and specific uses of the parcels. We were able to do this in 2007 when the Allied Veterinary Group next to these parcels applied to change their land use from RP2 to NBO and we wish to have this seat at the table once again to address a couple of serious concerns with these properties as well.

The 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.

#2 concerns me as we placed restrictions on NBO a number of years ago to not allow commercial uses, other than offices. This is what the code says regarding allowable uses for NBO.

1. Offices (all types). Personal services, medical clinics, bail bonds, and payday loan offices are prohibited.

2. Multi-family residential (any type except dormitories, fraternities and sororities) located on the second floor of a building containing the permitted office uses on the first floor.

3. Residential: Single family-attached dwellings; Single family-detached dwellings; and two-family dwellings

4. 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. Noise ad lighting impacts shall be considered when determining the eligibility of additional land of additional land uses.

We would hate for this to be an opening into commercialization of this parcel. We have worked very hard on this issue with the City and the land owner to protect our Neighborhood from commercial encroachment through numerous meetings as well as a Special Master Proceeding which yielded an agreement between the Neighborhood, the property owner, and the City to ensure certain conditions would be met and enforced before proceeding. We have been assured the conditions have been met so we are prepared to proceed but again, would like to adjust some of the NBO language pertaining specifically to these parcels as listed above.

Your time, energy, and support is greatly appreciated in this endeavor.

Sincerely,

Regan Jager

President MNA

S Sent from my iPad